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Opposed Mark: CONNECT
U.S. Trademark Application Serial Number: 77/714,693
Published: March 2, 2010

CONNECT PUBLIC RELATIONS, INC., a Utah corporation,

Opposer

v.

DIGITALMOJO, INC., a California corporation,

Applicant.

**MOTION FOR PARTIAL
SUMMARY JUDGMENT**

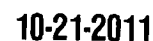
Opposition No. 91196299

Opposer Connect Public Relations, Inc. (“ConnectPR” or “Opposer”) respectfully moves the Board for partial summary judgment in the above-caption matter on the issue of likelihood of

Certificate of Deposit Under 37 C.F.R. § 2.197

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451, on the 17 day of October, 2011.

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confusion, and requests an order denying registration of applicant's CONNECT mark on the services recited below in sections IV(B)(1)(a)-(p). This motion is supported by the brief embodied herein and the exhibits attached hereto, including the affidavits of Exhibits 1-2. ConnectPR requests that the Board suspend all proceedings not germane to this motion pursuant to TBMP 528.03.

I. INTRODUCTION

ConnectPR is entitled to partial summary judgment because there is no genuine issue of material fact as to any of the facts relating to whether Digitalmojo, Inc.'s ("Digitalmojo" or "Applicant") CONNECT mark should be refused registration under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), due to a likelihood of confusion with ConnectPR's registrations for the marks CONNECT PUBLIC RELATIONS and CONNECTPR. This motion is for partial summary judgment as it only applies to some, but not all, of the services in the opposed application. It is to be understood that all aspects of, and all recited services in, the application no. 77/714,693 have been opposed, even though summary judgment is requested as to only some of those recited services.

The evidence of record in support of ConnectPR's Motion for Summary Judgment includes the record, and Exhibits attached hereto, including: Exhibit 1- Affidavit of Neil Myers, with accompanying Exhibit A ("Myers Aff."); Exhibit 2- Affidavit of Dr. Glenn L. Christensen, with accompanying Exhibits A-D ("Christensen Aff."); Exhibits 3 to 11- TESS and TARR printouts of ConnectPR's registrations; Exhibit 12 - TARR printout of opposed application; and Exhibit 13- Dictionary Definition for term "marketing".

II. STATEMENT OF UNDISPUTED FACTS

As grounds for opposition, ConnectPR alleges that Digitalmojo's CONNECT mark should be refused registration based upon a likelihood of confusion under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d) based upon the marks in ConnectPR's registrations set forth below (collectively referred to herein as the "ConnectPR Marks").

ConnectPR is the owner of U.S. Trademark Registration No. 2,362,916, registered June 27, 2000, for the mark CONNECT PUBLIC RELATIONS used in connection with:

Printed publications, namely, reports, press kits and brochures in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion material, and seminar creation and operation.

A true and correct copy of the registration certificate for this mark and a printout from the TARR web server is attached as Exhibit 3 hereto. This registration is incontestable.

ConnectPR is the owner of U.S. Trademark Registration No. 2,373,504, registered August 1, 2000, for the mark CONNECT PUBLIC RELATIONS used in connection with:

Marketing and market research and consulting services; public and media relations services and sales promotion services.

A true and correct copy of the registration certificate for this mark and a printout from the TARR web server is attached as Exhibit 4 hereto. This registration is incontestable.

ConnectPR is the owner of U.S. Trademark Registration No. 2,373,505, registered August 1, 2000, for the mark CONNECT PUBLIC RELATIONS used in connection with:

Prerecorded audio recordings, prerecorded video recordings, and prerecorded audio-visual recordings featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services; electronic publications featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services on computer discs and CD-ROMs.

A true and correct copy of the registration certificate for this mark and a printout from the TARR web server is attached as Exhibit 5 hereto. This registration is incontestable.

ConnectPR is the owner of U.S. Trademark Registration No. 2,383,778, registered September 5, 2000, for the mark CONNECT PUBLIC RELATIONS used in connection with:

Communications services, namely, delivery of messages by electronic transmission.

A true and correct copy of the registration certificate for this mark and a printout from the TARR web server is attached as Exhibit 6 hereto. This registration is incontestable.

ConnectPR is the owner of U.S. Trademark Registration No. 2,365,074, registered July 4, 2000, for the mark CONNECTPR used in connection with:

Communications services, namely, delivery of messages by electronic transmission.

A true and correct copy of the registration certificate for this mark and a printout from the TARR web server is attached as Exhibit 7 hereto. This registration is incontestable.

ConnectPR is the owner of U.S. Trademark Registration No. 2,366,850, registered July 11, 2000, for the mark CONNECTPR used in connection with:

Marketing and market research and consulting services; public and media relations services and sales promotion services.

A true and correct copy of the registration certificate for this mark and a printout from the TARR web server is attached as Exhibit 8 hereto. This registration is incontestable.

ConnectPR is the owner of U.S. Trademark Registration No. 2,383,777, registered September 5, 2000, for the mark CONNECTPR used in connection with:

Prerecorded audio recordings, prerecorded video recordings, and prerecorded audio-visual recordings featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services; electronic publications featuring topics in the fields of marketing and market research

and consulting services, public and media relations services and sales promotion services on computer discs and CD-ROMs.

A true and correct copy of the registration certificate for this mark and a printout from the TARR web server is attached as Exhibit 9 hereto. This registration is incontestable.

ConnectPR is the owner of U.S. Trademark Registration No. 2,713,692, registered May 6, 2003, for the mark CONNECTPR used in connection with:

Printed publications, namely, brochures in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion material, and seminar creation and operation.

A true and correct copy of the registration certificate for this mark and a printout from the TARR web server is attached as Exhibit 10 hereto. This registration is incontestable.

ConnectPR is the owner of U.S. Trademark Registration No. 3,330,353, registered November 6, 2007, for the mark CONNECTPR used in connection with:

Printed publications, namely, reports, brochures and press kits comprised of brochures, flyers, and press releases, in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion materials, and seminar creation and operation.

A true and correct copy of the registration certificate for this mark and a printout from the TARR web server is attached as Exhibit 11 hereto.

Digitalmojo filed an intent to use application for the opposed CONNECT mark, U.S. Trademark Application Serial No. 77/714,693 (hereinafter "Opposed Mark"), on April 15, 2009, to be used in connection with:

Class 009 - Audio recordings featuring music; video recordings featuring music; downloadable audio and video recordings featuring music; prerecorded music on CD, DVD and other media.

Class 035 - Business marketing services in the nature of agency representation of companies marketing a variety of services to home owners and renters, namely, utility hook-ups, telecommunication services, home security services, home warranties, home and yard maintenance, furniture and appliance rental; comparative marketing and advertising services for providers of residential and business telecommunications services, namely, for providers of broadband cable, DSL, fiber optic and satellite Internet access services, cable and satellite television, voice over IP, and long-distance telephone services; operation of telephone call centers for others; marketing of high speed telephone, Internet, and wireless access, and directing consumers to access providers; providing an online directory information service featuring information regarding, and in the nature of, classifieds; advertising and information distribution services, namely, providing classified advertising space via the global computer network; promoting the goods and services of others over the Internet; providing online computer databases and online searchable databases featuring classified listings and want ads; online business networking services; providing telephone directory information via global communications networks;

providing an online interactive website obtaining users comments concerning business organizations, service providers, and other resources; providing information, namely, compilations, rankings, ratings, reviews, referrals and recommendations relating to business organizations, service providers, and other resources using a global computer network; providing telephone directory information via global communications networks; arranging for others the initiation and termination of telecommunication services and utility services in the nature of water, gas and electricity and consultation rendered in connection therewith.

Class 038 - Providing online chat rooms for registered users for transmission of messages concerning classifieds, virtual community and social networking; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; providing email and instant messaging services.

Class 042 - Computer services, namely, creating an online community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; computer software development; application service provider (ASP) featuring software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information over the Internet or other communications network; providing temporary use of non-downloadable software applications for classifieds, virtual community, social networking, photo sharing, video sharing, and transmission of photographic images; computer services, namely, hosting online web facilities for

others for organizing and conducting online meetings, gatherings, and interactive discussions; computer services in the nature of customized web pages featuring user-defined information, personal profiles and information.

Class 045 - Online social networking services; Internet based dating, introduction and social networking services.

A true and correct copy of the application for this mark and a printout from the TARR web server is attached as Exhibit 12 hereto. The earliest date on which Digitalmojo can rely for purposes of priority is April 15, 2009, the filing date of the application.

III. LEGAL STANDARD FOR SUMMARY JUDGMENT

A party is entitled to summary judgment when it has demonstrated that there is no genuine dispute as to any material fact and that it is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a).

IV. ARGUMENT

A likelihood of confusion determination under Section 2(d) is based on an analysis of all of the facts in evidence that are relevant to the likelihood of confusion factors set forth in *In re E. I. duPont de Nemours and Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Each of the *DuPont* factors may, from case to case, play a dominant role. *Id.* at 567. In any likelihood of confusion analysis, however, the two key considerations are the similarities between the marks and the similarities between the goods and/or services, as they are in this case. *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24 (CCPA 1976); *See also, Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin*, 396 F.3d 1369, 73 USPQ2d 1689 (Fed. Cir. 2005). In addition to the

similarities between the marks and the similarities between the goods and/or services, the similarity between the channels of trade and the classes of consumers are relevant factors. *Id.*

A. *There is no Genuine Dispute that the ConnectPR Marks and the Opposed Mark are Substantially Similar in Appearance, Sound, Meaning and Commercial Impression*

In comparing the ConnectPR Marks and the Opposed Mark, there can be no genuine dispute that the marks are substantially similar in terms of appearance, sound, connotation and commercial impression under the first *DuPont* factor. The test is not whether the marks can be distinguished when subjected to a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods offered under the respective marks is likely to result. *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin*, 396 F.3d 1369, 73 USPQ2d 1689 (Fed. Cir. 2005). Furthermore, the focus is on the recollection of the average purchaser, who normally retains a general rather than a specific impression of trademarks. *See Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106 (TTAB 1975). Nevertheless, it is well settled that one feature of a mark may be more significant than another, and it is not improper to give more weight to this dominant feature in determining the commercial impression created by the mark. *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749, 751 (Fed. Cir. 1985). Descriptive matter in a mark may have less significance in likelihood of confusion determinations. *See Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 1846 (Fed. Cir. 2000).

1. There is no Genuine Dispute that the Opposed Mark is Highly Similar in Appearance, Sound, Connotation and Commercial Impression to ConnectPR's CONNECT PUBLIC RELATIONS mark

The term “connect” is the dominant feature in ConnectPR’s CONNECT PUBLIC RELATIONS mark as it is the first term. *See Presto Products, Inc. v. Nice-Pak Products Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988)(“...[it is] a matter of some importance since it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered.”). *See also Palm Bay Imports Inc. v. Veuve Clicquot Ponsardin*, 396 F.3d 1369, 73 USPQ2d 1689 (Fed. Cir. 2005)(“Veuve” is the most prominent part of the mark VEUVE CLICQUOT because “veuve” is the first word in the mark). Furthermore, because the wording “public relations” is descriptive and disclaimed, it has little or no source-identifying significance. *See In re Dixie Restaurants Inc.*, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997) (descriptive elements of a mark do not offer sufficient distinctiveness to create a different commercial impression). In fact, experience has shown that consumers are more likely to recall the term “connect” than the term “public relations” in the CONNECT PUBLIC RELATIONS mark. *Myers Aff.*, ¶¶ 16 & 18; *Christensen Aff.*, ¶ 15. Based upon the above, there can be no genuine dispute that the word “connect” is the dominant term in the CONNECT PUBLIC RELATIONS mark and contributes more significantly to an analysis under the first *DuPont* factor than the wording “public relations.”

Thus, there can be no genuine dispute that the use of the term “connect” as the first and dominant term of the CONNECT PUBLIC RELATIONS mark and the use of the identical term in Digitalmojo’s CONNECT mark, which is the only term in that single-word mark, results in the marks being highly similar in appearance, sound, connotation and commercial impression under the first *DuPont* factor. *Christensen Aff.*, ¶ 20 & 21.

2. There is no Genuine Dispute that the Opposed Mark is Highly Similar in Appearance, Sound, Connotation and Commercial Impression to the CONNECTPR mark

The CONNECTPR mark consists of the joined terms “connect” and “PR” and is pronounced as “connect P-R,” with the “p” and “r” being pronounced as separate letters. Myers Aff., ¶ 17. As the first term, the term “connect” is the dominant portion of the mark. *Presto Products*, 9 USPQ2d at 1897. In fact, ConnectPR’s customers are more likely to recall the term “connect” than the last two letter, “p” and “r.” Myers Aff., ¶¶ 17 & 18; Christensen Aff., ¶ 16. Based upon the above, there can be no genuine dispute that the term “connect” in the CONNECTPR mark is the dominant element and contributes more significantly to an analysis under the first *DuPont* factor than the letters “PR.” Thus, there can be no genuine dispute that the use of the term CONNECT as the first and dominant portion of the CONNECTPR mark and the identical term CONNECT in the Opposed Mark results in the marks being highly similar in appearance, sound, connotation and commercial impression under the first *DuPont* factor. Christensen Aff., ¶¶ 20 & 21.

B. *There is no Genuine Dispute that the Goods/Services of the ConnectPR Marks and of the Opposed Mark are Identical or Related Under the Second DuPont Factor*

It is well established that the goods or services of the parties need not be similar or competitive, or even offered through the same channels of trade, to support a holding of likelihood of confusion. It is sufficient that the respective goods or services of the parties are related in some manner, and/or that the conditions and activities surrounding the marketing of the goods are such that they would or could be encountered by the same persons under circumstances that could, because of the similarity of the marks, give rise to the mistaken belief that they originate from the same source. See *Hilson Research, Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423

(TTAB 1993); and *In re International Telephone & Telephone Corp.*, 197 USPQ 910, 911 (TTAB 1978). Further, the issue is not whether purchasers would confuse the goods or services, but rather whether there is a likelihood of confusion as to the source thereof. *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984). ConnectPR will now address relevant services included in Digitalmojo's recited services below, in comparison to the goods/services in the registrations for the ConnectPR Marks.

1. There is no Genuine Dispute that Goods/Services in ConnectPR's Registrations and in the Opposed Mark are Identical or Related Under the Second *DuPont* Factor

- a. **Opposed Services: "Business marketing services in the nature of agency representation of companies marketing a variety of services to home owners and renters, namely, utility hook-ups, telecommunication services, home security services, home warranties, home and yard maintenance, furniture and appliance rental"**

Digitalmojo's above-identified services all fall within, or are related to, ConnectPR's broad recitation of services set forth in ConnectPR's class 35 registrations (Nos. 2,373,504 and 2,366,850) and ConnectPR's class 16 registrations (Nos. 2,713,692; 330,353; and 2,383,353).

First, ConnectPR's class 35 registrations both broadly recite, without restriction: "marketing and market research and consulting services; public and media relations services and sales promotion services." In regard to analysis under the second *DuPont* factor, ConnectPR's use of the wording "marketing . . . services" is nearly identical to Digitalmojo's wording of "business marketing services" as both comprise the identical wording of "marketing services." As ConnectPR's recitations include no restrictions on the type of marketing services, there can be no genuine dispute that ConnectPR's recitations fully encompass Digitalmojo's "business marketing services." That is, there can be no genuine dispute that Digitalmojo's "business marketing services" are nothing more than a subset of ConnectPR's services recited in ConnectPR's class 35 registrations. *Myers Aff.*, ¶

21; Christensen Aff., ¶ 32. Moreover, ConnectPR has actually offered services to companies providing telecommunication services as recited in the opposed services. Myers Aff., ¶ 21 & Exhibit A thereto. Thus, there exists a very real risk that consumers may encounter, and be confused by, Digitalmojo's CONNECT marks since ConnectPR is already targeting some of the same consumers specified in Digitalmojo's application. Myers Aff., ¶ 21; Christensen Aff., ¶ 34. On this basis, there can be no genuine issue that Digitalmojo's "business marketing services" are identical or related under the second *DuPont* factor to the services recited in ConnectPR's class 35 registrations.

Next, the relevant portions of ConnectPR's class 16 registrations are for "printed publications, namely, reports, press kits and brochures in the fields of market research and consulting, public and media relations, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging" and "printed publications, namely, reports, brochures and press kits comprised of brochures, flyers, and press releases, in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging." These goods are related to Digitalmojo's above-identified services because they are complementary to each other as they are often offered together. Myers Aff., ¶ 21. Thus, there is no genuine dispute that the goods in ConnectPR's class 16 registrations are related to Digitalmojo's "business marketing services" under the second *DuPont* factor.

- b. **Opposed Services: "Comparative marketing and advertising services for providers of residential and business telecommunications services, namely, for providers of broadband cable, DSL, fiber-optic and satellite Internet access services, cable and satellite television, voice over IP, and long-distance telephone services"**

Digitalmojo's above-identified services all fall within, or are related to, ConnectPR's broad recitation of services set forth in ConnectPR's class 35 registrations (Nos. 2,373,504 and 2,366,850) and ConnectPR's class 16 registrations (Nos. 2,713,692; 330,353; and 2,383,353). In regard to analysis under the second *DuPont* factor, ConnectPR's use of the wording "marketing . . . services" is nearly identical to Digitalmojo's wording of "comparative marketing . . . services" as both comprise the identical wording of "marketing services. As ConnectPR's recitations include no restrictions on the type of "marketing services" it offers, there can be no genuine dispute that ConnectPR's class 35 recitations completely encompass Digitalmojo's "comparative marketing . . . services." In fact, Digitalmojo's above-identified services are nothing more than a subset of ConnectPR's services recited in ConnectPR's class 35 registrations. Myers Aff., ¶ 22; Christensen Aff., ¶ 33. In fact, ConnectPR has targeted its services towards Internet access providers. Myers Aff., ¶ 22 & Exhibit A thereto; Christensen Aff., ¶ 34.

In addition, there can be no genuine dispute that Digitalmojo's recited "advertising services" are closely related to the "marketing and market research and consulting services; public and media relations services and sales promotion services" as recited in ConnectPR's class 35 registrations under the second *DuPont* factor. As evidence of the related nature of "advertising" and "marketing," one dictionary definition, attached hereto as Exhibit 13, defines the term "marketing" as "the total activities involved in the transfer of goods from the producer or seller to the consumer or buyer, including advertising, shipping, storing, and selling." (Emphasis added).

Next, in regard to ConnectPR's class 16 registrations, these goods are related to Digitalmojo's above-identified services because they are complementary with each other because they are often provided together. Myers Aff., ¶ 22. Thus, there is no genuine dispute that the goods in

ConnectPR's class 16 registrations are related to Digitalmojo's above-identified services under the second *DuPont* factor.

c. **Opposed Services: "Operation of telephone call centers for others"**

Digitalmojo's above-identified services all fall within, or are related to, ConnectPR's broad recitation of services set forth in ConnectPR's class 35 (Nos. 2,373,504 and 2,366,850). As broadly recited in Digitalmojo's application, telephone call centers may include call centers that perform telemarketing. Christensen Aff., ¶ 35. Telemarketing is a form of marketing that involves marketing over a telephone. Christensen Aff., ¶ 35. Telemarketing, which includes the term "marketing," is therefore a subset of, or is related to, ConnectPR's broadly recited and unrestricted "marketing . . . services." Christensen Aff., ¶ 35. Based upon the above, there can be no genuine dispute that Digitalmojo's above-identified services and ConnectPR's services are identical or closely related under the second *DuPont* factor.

d. **Opposed Services: "Marketing of high speed telephone, Internet, and wireless access, and directing consumers to access providers"**

Digitalmojo's above-identified services all fall within, or are related to, ConnectPR's broad recitation of services set forth in ConnectPR's class 35 registrations (Nos. 2,373,504 and 2,366,850) and ConnectPR's class 16 registrations (Nos. 2,713,692; 330,353; and 2,383,353).

As noted above, ConnectPR's class 35 registrations both broadly recite "marketing and market research and consulting services; public and media relations services and sales promotion services" and do not contain any restrictions. In regard to analysis under the second *DuPont* factor, ConnectPR's use of the wording "marketing . . . services" in its class 35 applications is nearly identical to Digitalmojo's wording of "marketing." As ConnectPR's registrations include no

restrictions on the type of marketing services it offers, ConnectPR's broadly defined services would therefore encompass Digitalmojo's "marketing of high speed telephone, Internet, and wireless access, and directing consumers to access providers." Myers Aff., ¶ 23; Christensen Aff., ¶ 36. Indeed, there can be no genuine issue that Digitalmojo's services are nothing more than a subset of ConnectPR's marketing services. *Id.* In fact, ConnectPR has actually offered and provided its services to Internet providers just as proposed in Digitalmojo's above-identified services. Myers Aff., ¶ 23.

Next, in regard to ConnectPR's class 16 registrations, these goods are related to Digitalmojo's above-identified services because they are complementary with each other because they are often provided together. Myers Aff., ¶ 23. Thus, there is no genuine dispute that the goods in ConnectPR's class 16 registrations are related to Digitalmojo's above-identified services under the second *DuPont* factor.

e. **Opposed Services: "Providing an online directory information service featuring information regarding, and in the nature of, classifieds"**

Digitalmojo's above-identified services all fall within, or are related to, ConnectPR's broad recitation of services set forth in ConnectPR's class 35 registrations (Nos. 2,373,504 and 2,366,850). Providing an online directory featuring classifieds is a form of "marketing . . . services" and "sales promotion services" that are broadly recited in ConnectPR's class 35 registrations. Christensen Aff., ¶ 37. Thus, based upon the above, there can be no genuine dispute that Digitalmojo's above-identified services and ConnectPR's services are identical or closely related under the second *DuPont* factor.

f. **Opposed Services: "Advertising and information distribution services, namely, providing classified advertising space via the global computer network"**

Digitalmojo's above-identified services all fall within, or are related to, ConnectPR's broad recitation of services set forth in ConnectPR's class 35 registrations (Nos. 2,373,504 and 2,366,850).

In particular, Digitalmojo's above-identified services are simply a subset of the broadly recited "marketing . . . services" and "sales promotion services" of ConnectPR's registrations. Christensen Aff., ¶ 37. Indeed, "providing classified advertising space" is a form of ConnectPR's recited "marketing . . . services" and "sales promotion services." Christensen Aff., Para 37. Based upon the above, there can be no genuine dispute that Digitalmojo's above-identified services and ConnectPR's services are identical or closely related under the second *DuPont* factor.

g. **Opposed Services: "Promoting the goods and services of others over the Internet"**

Digitalmojo's above-identified services all fall within, or are related to, ConnectPR's broad recitation of services set forth in ConnectPR's class 35 registrations (Nos. 2,373,504 and 2,366,850) and ConnectPR's class 16 registrations (Nos. 2,713,692; 330,353; and 2,383,353). In regard to analysis under the second *DuPont* factor, Digitalmojo's use of the word "promoting" clearly falls within the scope of ConnectPR's recited "sales promotion services" in class 35 as both use variants of the word "promote" in the same context. That is, ConnectPR's "sales promotion services" is recited broadly and without restriction, and therefore would encompass "promoting the goods and services of others over the Internet." Myers Aff., ¶ 24. ConnectPR has actually offered and provided the services of promoting the goods and services of others over the Internet. Myers Aff., ¶ 24. Further, Digitalmojo's recited "promoting the goods and services of others over the Internet" is clearly a type of "marketing . . . service" as recited in ConnectPR's class 35 registrations. Clearly, there can be no genuine dispute that Digitalmojo's above-identified services are nothing more than

a subset of the broadly recited marketing and sales promotion services in ConnectPR's class 35 registrations. Myers Aff., ¶ 24; Christensen Aff., ¶ 37.

Next, in regard to ConnectPR's class 16 registrations, these goods are related to Digitalmojo's above-identified services because they are complementary with each other because they are often provided together. Myers Aff., ¶ 24. Thus, there is no genuine dispute that the goods in ConnectPR's class 16 registrations are related to Digitalmojo's above-identified services under the second *DuPont* factor.

h. **Opposed Services: "Providing online computer databases and on-line searchable databases featuring classified listings and want ads"**

Digitalmojo's above-identified services all fall within ConnectPR's broad recitation of services set forth in ConnectPR's class 35 registrations (Nos. 2,373,504 and 2,366,850). In particular, Digitalmojo's providing of databases and on-line searchable databases featuring "classified listings and want ads" are a form of ConnectPR's broadly recited "marketing . . . services" and "sales promotion services." Christensen Aff., Para 37. Based upon the above, there can be no genuine dispute that Digitalmojo's above-identified services and ConnectPR's services are identical or closely related under the second *DuPont* factor.

i. **Opposed Services: "Online business networking services"**

Digitalmojo's above-identified services all fall within, or are related to, ConnectPR's broad recitation of services set forth in ConnectPR's class 35 registration (Nos. 2,373,504 and 2,366,850) and ConnectPR's class 16 registrations (Nos. 2,713,692; 330,353; and 2,383,353). In regard to analysis under the second *DuPont* factor, Digitalmojo's "online business networking services" are related to the services in ConnectPR's class 35 registrations. In particular, online business

networking is encompassed by the “marketing and market research and consulting services; public and media relations services and sales promotion services.” Myers Aff., ¶ 25; Christensen Aff., ¶ 38. Modern day marketing services heavily involves online business networking through online blogs, social media, and content posting on websites. Myers Aff., ¶ 25. Thus, Digitalmojo’s above-identified services are nothing more than a subset of ConnectPR’s services recited in its class 35 registrations. Myers Aff., ¶ 25; Christensen Aff., ¶ 38. Based upon the above, there can be no genuine dispute that Digitalmojo’s above-identified services and ConnectPR’s services are identical or closely related under the second *DuPont* factor.

Next, in regard to ConnectPR’s class 16 registrations, these goods are related to Digitalmojo’s above-identified services because they are complementary with each other because they are often provided together. Myers Aff., ¶ 25. Thus, there is no genuine dispute that the goods in ConnectPR’s class 16 registrations are related to Digitalmojo’s above-identified services under the second *DuPont* factor.

j. **Opposed Services: “Providing an online interactive website obtaining users comments concerning business organizations, service providers, and other resources”**

Digitalmojo’s above-identified services all fall within, or are related to, ConnectPR’s broad recitation of services set forth in ConnectPR’s class 35 registrations (Nos. 2,373,504 and 2,366,850). In particular, “obtaining users comments concerning business organizations, service providers, and other resources” is clearly conducting “market research” on the “business organizations, service providers, and other resources.” Myers Aff., ¶ 26. That is, obtaining the user comments are in fact a form of market research. Myers Aff., ¶ 26. With the growth of the Internet, most market research is conducted by obtaining user’s comments online. Myers Aff., ¶ 26. ConnectPR’s class 35

registrations both broadly recite “market research . . . services” without any restrictions and therefore encompass Digitalmojo’s above-identified services. Myers Aff., ¶ 26; Christensen Aff., ¶ 39. Thus, there can be no genuine dispute that Digitalmojo’s above-identified services clearly fall under, or are related to, ConnectPR’s broadly recited services in its class 35 applications under the second *DuPont* factor.

k. **Opposed Services: “Providing information, namely, compilations, rankings, ratings, reviews, referrals and recommendations relating to business organizations, service providers, and other resources using a global computer network”**

Digitalmojo’s above-identified services all fall within, or are related to, ConnectPR’s broad recitation of services set forth in ConnectPR’s class 35 registrations (Nos. 2,373,504 and 2,366,850) and ConnectPR’s class 16 registrations (Registration Nos. 3,330,353; 2,713,692; and 2,362,916). In regard to ConnectPR’s class 35 registrations, Digitalmojo’s above-identified services are clearly a part and parcel of conducting “market research” as recited in ConnectPR’s registrations. Myers Aff., ¶ 27; Christensen Aff., ¶ 39. As ConnectPR’s class 35 registrations both broadly recite “market research . . . services” without any restrictions, there can be no genuine dispute that Digitalmojo’s above-identified services and ConnectPR’s services are identical or closely related under the second *DuPont* factor.

ConnectPR’s class 16 registrations all recite “printed publications, namely reports . . . in the field[] of market research.” Reports in the field of market research would include various types of information, including, compilations, rankings, ratings, reviews, referrals and recommendations relating to business organizations, service providers, and other resources. Myers Aff., ¶ 27. Thus, there can be no genuine dispute that Digitalmojo’s above-identified services and ConnectPR’s goods in its class 16 registrations are also identical, or closely related, under the second *DuPont* factor.

l. **Opposed Services: “Providing online chat rooms for registered users for transmission of messages concerning classifieds, virtual community and social networking”**

Digitalmojo’s above-identified services all fall within, or are related to, ConnectPR’s broad recitation of services set forth in ConnectPR’s class 38 registrations (Registration Nos. 2,365,704 and 3,383,778). In particular, ConnectPR’s class 38 registrations both broadly recite, and without restriction, “communication services, namely, delivery of messages by electronic transmission.” Thus, both Digitalmojo’s services and ConnectPR’s services encompass the transmission of electronic messages. Digitalmojo’s services are nothing more than a subset of ConnectPR’s services. Christensen Aff., ¶ 41. Based upon the above, there can be no genuine dispute that Digitalmojo’s above-identified services and ConnectPR’s services are identical or closely related under the second *DuPont* factor.

m. **Opposed Services: “Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest”**

Digitalmojo’s above-identified services all fall within, or are related to, ConnectPR’s broad recitation of services set forth in ConnectPR’s class 38 registrations (Registration Nos. 2,365,704 and 3,383,778). In particular, ConnectPR’s class 38 registrations both broadly recite, and without restriction, “communication services, namely, delivery of messages by electronic transmission.” Thus, Digitalmojo’s services and ConnectPR’s services both encompass the transmission of messages. Digitalmojo’s services are nothing more than a subset of ConnectPR’s services. Based upon the above, there can be no genuine dispute that Digitalmojo’s above-identified services and ConnectPR’s services are identical or closely related under the second *DuPont* factor.

n. **Opposed Services: “Providing email and instant messaging services”**

Digitalmojo's above-identified services all fall within, or are related to, ConnectPR's broad recitation of services set forth in ConnectPR's class 38 registrations (Registration Nos. 2,365,704 and 3,383,778). In particular, ConnectPR's class 38 registrations both broadly recite, and without restriction, "communication services, namely, delivery of messages by electronic transmission." Email and instant messaging clearly constitute messages delivered by electronic transmission. Digitalmojo's services are nothing more than a subset of ConnectPR's services. Based upon the above, there can be no genuine dispute that Digitalmojo's above-identified services and ConnectPR's services are identical or closely related under the second *DuPont* factor.

- o. **Opposed Services: "Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking"**

Digitalmojo's above-identified services all fall within, or are related to, ConnectPR's broad recitation of services set forth in ConnectPR's class 38 registrations (Registration Nos. 2,365,704 and 3,383,778). In particular, ConnectPR's class 38 registrations both broadly recite, and without restriction, "communication services, namely, delivery of messages by electronic transmission." There can be no genuine dispute that participating in discussions in on-line communities, getting feedback online, forming virtual communities and engaging in social networking as recited in Digitalmojo's application undisputably all involve the "delivery of messages by electronic transmission" as recited in ConnectPR's registrations. Thus, Digitalmojo's services and ConnectPR's services both encompass the transmission of messages. Digitalmojo's services are nothing more than a subset of ConnectPR's services. Based upon the above, there can be no genuine dispute that Digitalmojo's above-identified services and ConnectPR's services are identical or closely related under the second *DuPont* factor.

p. **Opposed Services: “On-line social networking services”**

Digitalmojo’s above-identified services all fall within, or are related to, ConnectPR’s broad recitation of services set forth in ConnectPR’s class 38 registrations (Registration Nos. 2,365,704 and 3,383,778). In particular, ConnectPR’s class 38 registrations both broadly recite, and without restriction, “communication services, namely, delivery of messages by electronic transmission.” There is no genuine dispute that on-line social networking services involves the “delivery of messages by electronic transmission” as recited in ConnectPR’s registrations. Thus, Digitalmojo’s services and ConnectPR’s services both encompass the transmission of messages. Digitalmojo’s services are nothing more than a subset of ConnectPR’s services. Based upon the above, there can be no genuine dispute that Digitalmojo’s above-identified services and ConnectPR’s services are identical or closely related under the second *DuPont* factor.

C. *There is no Genuine Dispute that the Goods/Services of the ConnectPR Marks and the Opposed Mark Travel Through the Same Channels of Trade and Have the Same Class of Customer*

Because there is nothing in their respective identification of goods and recitation of services, as argued above, that limits ConnectPR’s or Digitalmojo’s channels of trade or class of customers, there is no genuine dispute that ConnectPR’s and Digitalmojos respective goods and services will travel in the same channels of trade, i.e., all normal and usual channels of trade, and will have the same class of customers. *See In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992) (because there are no limitations as to channels of trade or classes of purchasers in either the application or the cited registration, it is presumed that the registration and the application move in all channels of trade normal for those services, and that the services are available to all classes of purchasers for the

listed services). In fact, ConnectPR had already targeted with its services some of the very customers explicitly identified in Digitalmojo's application. Christensen Aff., ¶ 34; Myers Aff., ¶¶ 29 & 30.

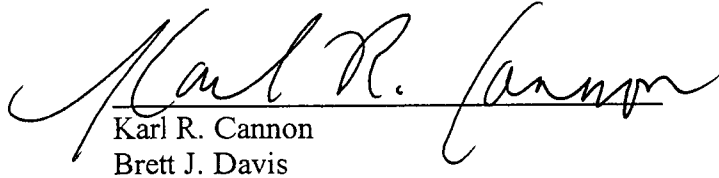
Opposer notes that the two affiants, corporate president Neil Myers, and Dr. Glenn L. Christensen, have provided facts, evidence, and relevant expertise which, when combined with the points and authorities provided above, are determinative and dispositive of the likelihood of confusion issues for which summary judgment is requested.

V. CONCLUSION

ConnectPR respectfully submits that when all of the foregoing is considered, this Board will find there is no genuine issue of material fact to deny summary judgment on the issue of likelihood of confusion. The Opposed Mark and the ConnectPR Marks are highly similar in appearance, sound, connotation and commercial impression under the first *DuPont* factor, as the Opposed Mark consists solely of the term "connect," which is the dominant term of the ConnectPR Marks. Under the second *DuPont* factor, the services of the Opposed Mark are related or identical to the broadly recited goods and services of the ConnectPR Marks. Finally, because there are no limitations as to channels of trade or classes of purchasers in either the opposed application or the pleaded registrations, it is presumed that the goods/services in ConnectPR's registrations and the application for the Opposed Mark move and will move in all channels of trade normal for those services, and that the services are available to all classes of purchasers for the listed services.

ConnectPR respectfully solicits entry of partial judgment in favor of ConnectPR and issuance of an order denying registration of the CONNECT mark on those services recited above in sections IV(B)(1)(a)-(p).

Respectfully submitted this 17 day of October, 2011.



Karl R. Cannon
Brett J. Davis

CLAYTON, HOWARTH & CANNON, P.C.
Attorneys for Opposer
Connect Public Relations, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **Motion for Partial Summary Judgement** to be served, via first class mail, postage prepaid, on this 17 day of October, 2011, to:

Thomas W. Cook, Esq.
Thomas Cook Intellectual Property Attorneys
3030 Bridgeway, Suite 425-430
Sausalito, California 94965-2810

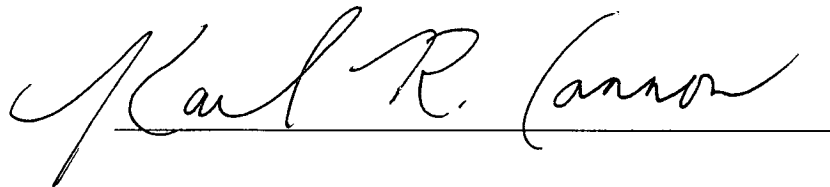
A handwritten signature in cursive script, reading "Karl R. Cannon", is written over a horizontal line.

EXHIBIT 1

I, Neil Myers, make this affidavit and hereby on oath state, based upon my personal knowledge that:

1. I am the founder and President of Connect Public Relations, Inc. ("ConnectPR").
2. I have over 20 years of direct experience in providing marketing, market research, consulting, public relations, media relations, and sales promotion services.
3. In particular, in the early 1990s I founded the predecessor to ConnectPR, namely, Network Associates Consulting, Inc. ("Network Associates"). Network Associates was engaged in marketing, market research, consulting, public relations, media relations, and sales promotion services.
4. In the spring of 1998, Network Associates changed its name to Connect Public Relations, Inc.
5. In conjunction with the corporate name change in 1998, ConnectPR adopted and began using the marks CONNECT PUBLIC RELATIONS and CONNECTPR in interstate commerce.
6. ConnectPR filed multiple U.S. trademark applications on the marks CONNECT PUBLIC RELATIONS and CONNECTPR, as outlined below, and is the owner of the registrations issuing from these applications.
7. ConnectPR is the owner of U.S. Trademark Registration No. 2,362,916, registered June 27, 2000, for the mark CONNECT PUBLIC RELATIONS used in connection with: Printed publications, namely, reports, press kits and brochures in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion material, and seminar creation and operation.

8. ConnectPR is the owner of U.S. Trademark Registration No. 2,373,504, registered August 1, 2000, for the mark CONNECT PUBLIC RELATIONS used in connection with: Marketing and market research and consulting services; public and media relations services and sales promotion services.

9. ConnectPR is the owner of U.S. Trademark Registration No. 2,373,505, registered August 1, 2000, for the mark CONNECT PUBLIC RELATIONS used in connection with: Prerecorded audio recordings, prerecorded video recordings, and prerecorded audio-visual recordings featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services; electronic publications featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services on computer discs and CD-ROMs.

10. ConnectPR is the owner of U.S. Trademark Registration No. 2,383,778, registered September 5, 2000, for the mark CONNECT PUBLIC RELATIONS used in connection with: Communications services, namely, delivery of messages by electronic transmission.

11. ConnectPR is the owner of U.S. Trademark Registration No. 2,365,074, registered July 4, 2000, for the mark CONNECTPR used in connection with: Communications services, namely, delivery of messages by electronic transmission.

12. ConnectPR is the owner of U.S. Trademark Registration No. 2,366,850, registered July 11, 2000, for the mark CONNECTPR used in connection with: Marketing and market research and consulting services; public and media relations services and sales promotion services.

13. ConnectPR is the owner of U.S. Trademark Registration No. 2,383,777, registered September 5, 2000, for the mark CONNECTPR used in connection with: Prerecorded audio recordings, prerecorded video recordings, and prerecorded audio-visual recordings featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services; electronic publications featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services on computer discs and CD-ROMs.

14. ConnectPR is the owner of U.S. Trademark Registration No. 2,713,692, registered May 6, 2003, for the mark CONNECTPR used in connection with: Printed publications, namely, brochures in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion material, and seminar creation and operation.

15. ConnectPR is the owner of U.S. Trademark Registration No. 3,330,353, registered November 6, 2007, for the mark CONNECTPR used in connection with: Printed publications, namely, reports, brochures and press kits comprised of brochures, flyers, and press releases, in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion materials, and seminar creation and operation.

16. In regard to the mark CONNECT PUBLIC RELATIONS, based upon my experience, ConnectPR's customers are more likely to recall the term CONNECT in the mark than the term PUBLIC RELATIONS as the term PUBLIC RELATIONS is widely used in the industry. That is, the term CONNECT is the most vital part of the mark CONNECT PUBLIC

RELATIONS as it is, in my experience, the term that is most impressed into the minds of ConnectPR's customers that are exposed to this mark

17. In regard to the mark CONNECTPR, this mark is pronounced as "connect p-r."

Based upon my experience, ConnectPR customers are more likely to recall the term "connect" in the mark than the last two letters, "p" and "r," which are pronounced as separate letters. For this reason, the term CONNECT is the most vital part of the CONNECTPR mark.

18. ConnectPR's employees and customers often shorten the marks CONNNECT PUBLIC RELATIONS and CONNECTPR to just the term "connect" when referring to the goods and services offered by ConnectPR. This demonstrates the importance of the term "connect" in the CONNNECT PUBLIC RELATIONS and CONNECTPR marks.

19. I have reviewed Digitalmojo, Inc.'s ("Digitalmojo") application for the CONNECT mark and it is very troubling to ConnectPR because it appropriates of the most significant part of ConnectPR's CONNECT PUBLIC RELATIONS and CONNECTPR marks, namely, the term "connect." That is, Digitalmojo's CONNECT mark and ConnectPR's CONNECT PUBLIC RELATIONS and CONNECTPR marks are very similar because of the common use of the term "connect."

20. Digitalmojo's application for the CONNECT mark is further troubling because the services recited therein are encompassed by the goods and services in ConnectPR's registrations for the marks CONNECT PUBLIC RELATIONS and CONNECTPR. That is, Digitalmojo's recited services appear to be nothing more than a subset of the services and goods recited in ConnectPR's registrations for the marks CONNECT PUBLIC RELATIONS and CONNECTPR, even though they are worded slightly differently, and Digitalmojo connects those services and

goods to a mark that leads with the term "CONNECT," just as ConnectPR has been doing for years, thereby making the same or nearly-identical commercial impression.

21. In regard to Digitalmojo's recited "Business marketing services in the nature of agency representation of companies marketing a variety of services to home owners and renters, namely, utility hook-ups, telecommunication services, home security services, home warranties, home and yard maintenance, furniture and appliance rental," these services are nothing but a subset of the services recited in ConnectPR's class 35 registrations for the CONNECT PUBLIC RELATIONS and CONNECTPR marks (Nos. 2,373,504 and 2,366,850), especially ConnectPR's recited "marketing services." In fact, ConnectPR has actually offered and provided its services to telecommunications companies under the CONNECT PUBLIC RELATIONS and CONNECTPR marks as shown by the attached Exhibit A. Thus, there exists a very real risk that consumers may encounter, and be confused by, Digitalmojo's CONNECT mark since ConnectPR is already targeting some of the same consumers specified in Digitalmojo's application. Further, Digitalmojo's recited "Business marketing services" are also very related to the services recited in ConnectPR's class 16 registrations (Nos. 2,713,692; 330,353; and 2,383,353). In particular, in my experience, companies providing Digitalmojo's above-identified services also provide the goods recited in ConnectPR's class 16 registrations because they are complementary with each, that is, they are often offered together. For this reason, I believe that consumers are likely to mistakenly believe that Digitalmojo's above-identified services come from the same source as the goods in ConnectPR's class 16 registrations.

22. In regard to Digitalmojo's recited "Comparative marketing and advertising services for providers of residential and business telecommunications services, namely, for providers of broadband cable, DSL, fiber-optic and satellite Internet access services, cable and satellite

television, voice over IP, and long-distance telephone services” these services are nothing but a subset of the services recited in ConnectPR’s class 35 registrations for the CONNECT PUBLIC RELATIONS and CONNECTPR marks (Nos. 2,373,504 and 2,366,850), especially ConnectPR’s recited marketing services. Again, ConnectPR has actually offered and provided its services to Internet access providers under the CONNECT PUBLIC RELATIONS and CONNECTPR marks as shown by the attached Exhibit A. Further, Digitalmojo’s recited “Comparative marketing and advertising services” are also very related to the services recited in ConnectPR’s class 16 registrations (Nos. 2,713,692; 330,353; and 2,383,353). In particular, in my experience, companies providing Digitalmojo’s above-identified services also provide the goods recited in ConnectPR’s class 16 registrations because they are complementary with each. For this reason, I believe that consumers are likely to mistakenly believe that Digitalmojo’s above-identified services come from the same source as the goods in ConnectPR’s class 16 registrations.

23. In regard to Digitalmojo’s recited “Marketing of high speed telephone, Internet, and wireless access, and directing consumers to access providers” these services are nothing but a subset of the services recited in ConnectPR’s class 35 registrations for the CONNECT PUBLIC RELATIONS and CONNECTPR marks (Nos. 2,373,504 and 2,366,850), especially ConnectPR’s recited marketing services. Again, ConnectPR has actually offered and provided its services to Internet access providers under the CONNECT PUBLIC RELATIONS and CONNECTPR marks as shown by the attached Exhibit A. Further, Digitalmojo’s recited “Marketing of high speed telephone, Internet, and wireless access, and directing consumers to access providers” are also very related to the services recited in ConnectPR’s class 16 registrations (Nos. 2,713,692; 330,353; and 2,383,353). In particular, in my experience,

companies providing Digitalmojo's above-identified services also provide the goods recited in ConnectPR's class 16 registrations because they are complementary with each other. For this reason, I believe that consumers are likely to mistakenly believe that Digitalmojo's above-identified services come from the same source as the goods in ConnectPR's class 16 registrations.

24. In regard to Digitalmojo's recited "Promoting the goods and services of others over the Internet" these services are nothing but a subset of the services recited in ConnectPR's class 35 registrations for the CONNECT PUBLIC RELATIONS and CONNECTPR marks (Nos. 2,373,504 and 2,366,850), especially ConnectPR's recited marketing and sales promotion services. ConnectPR has actually offered and provided the services of promoting the goods and services of others over the Internet. In fact, consumers expect that Internet promotions are a large part of modern marketing, public relations and sales promotion services. More and more, marketing and public relations companies like ConnectPR use Internet-based campaigns, including online blogs, social media, and technology websites to promote the goods and services of others over the Internet. Further, Digitalmojo's recited "Promoting the goods and services of others over the Internet" are also very related to the services recited in ConnectPR's class 16 registrations (Nos. 2,713,692; 330,353; and 2,383,353). In particular, in my experience, companies providing Digitalmojo's above-identified services also provide the goods recited in ConnectPR's class 16 registrations because they are complementary with each other. For this reason, I believe that consumers are likely to mistakenly believe that Digitalmojo's above-identified services come from the same source as the goods in ConnectPR's class 16 registrations.

25. In regard to Digitalmojo's recited "Online business networking services," these services are highly related and are a subset to the services recited in ConnectPR's class 35 registrations for the CONNECT PUBLIC RELATIONS and CONNECTPR marks (Nos. 2,373,504 and 2,366,850). In particular, modern day marketing, public relations and sales promotion services for businesses heavily focuses on online business networking. In fact, customers expect this from marketing and public relations companies, such as ConnectPR, because an online business presence is essential for success. Online business networking may occur through online marketing and public relations campaigns, including online blogs, social media, and content posting on websites. It is hard to imagine a company today that offers marketing and public relations services that does not include online business networking. Further, Digitalmojo's recited "Online business networking services" are also very related to the services recited in ConnectPR's class 16 registrations (Nos. 2,713,692; 330,353; and 2,383,353). In particular, in my experience, companies providing Digitalmojo's above-identified services also provide the goods recited in ConnectPR's class 16 registrations because they are complementary with each other. For this reason, I believe that consumers are likely to mistakenly believe that Digitalmojo's above-identified services come from the same source as the goods in ConnectPR's class 16 registrations.

26. In regard to Digitalmojo's recited "Providing an online interactive website obtaining users comments concerning business organizations, service providers, and other resources," these services are highly related and are a subset to the services recited in ConnectPR's class 35 registrations for the CONNECT PUBLIC RELATIONS and CONNECTPR marks (Nos. 2,373,504 and 2,366,850), especially ConnectPR's recited "market research . . . services." In particular, market research services as recited in the registrations for the CONNECT PUBLIC

RELATIONS and CONNECTPR marks largely involve obtaining “users comments concerning business organizations, service providers, and other resources” through an interactive website. Without questions, obtaining user comments is the heart of conducting market research. For this reason, I believe that consumers are likely to mistakenly believe that Digitalmojo’s above-identified services come from the same source as the goods in ConnectPR’s class 16 registrations.

27. In regard to Digitalmojo’s recited “Providing information, namely, compilations, rankings, ratings, reviews, referrals and recommendations relating to business organizations, service providers, and other resources using a global computer network,” these services are highly related and are a subset to the services recited in ConnectPR’s class 35 registrations for the CONNECT PUBLIC RELATIONS and CONNECTPR marks (Nos. 2,373,504 and 2,366,850), especially ConnectPR’s recited “market research . . . services.” Providing the information as recited in Digitalmojo’s above-identified services is encompassed by the market research services recited in ConnectPR’s registrations. Further, Digitalmojo’s above-identified services are also very related to the services recited in ConnectPR’s class 16 registrations (Nos. 2,713,692; 330,353; and 2,383,353), which recite “printed publications, namely reports . . . in the field[] of market research.” Reports in the field of market research may include various types of information, including the information recited in Digitalmojo’s application, including: compilations, rankings, ratings, reviews, referrals and recommendations relating to business organizations, service providers, and other resources. For this reason, I believe that consumers are likely to mistakenly believe that Digitalmojo’s above-identified services come from the same source as the goods in ConnectPR’s class 16 registrations.

28. Based upon my years of experience, it is my opinion that Digitalmojo's services, identified above, are encompassed by the services recited in ConnectPR's registrations for the CONNECTPR and CONNECT PUBLIC RELATIONS mark.

29. ConnectPR has specifically targeted some of the very customers identified in Digitalmojo's application as shown in the attached Exhibit A.

30. Based upon the above, I believe that consumers would be confused by the entrance of Digitalmojo's CONNECT mark in the marketplace, especially since ConnectPR and Digitalmojo would be targeting some of the same customers and because of the common use of the term "connect" in all of the marks.

31. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12 day of October, 2011.


Neil Myers

STATE OF Utah)
)
COUNTY OF Utah) : ss.

On 10/12/11, before me personally appeared Neil Myers, known to me to be the person described and who signed the foregoing Affidavit of Neil Myers in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.



Janeen Bullock
NOTARY PUBLIC

My Commission Expires:

2/1/13

Residing at

~~595 N~~ 80 E 100 N
Provo, UT 84606

EXHIBIT A

Section 1: Executive Summary



*And yet, from the ashes
of the dot com bust
appears a Phoenix:
Broadband.*

The economy is in a slump. Capital expenditures are flat. High tech companies are suffering. And yet, from the ashes of the dot com bust there appears a Phoenix: *Broadband*. In a recent column, Forbes publisher Rich Karlgaard commented on this trend:

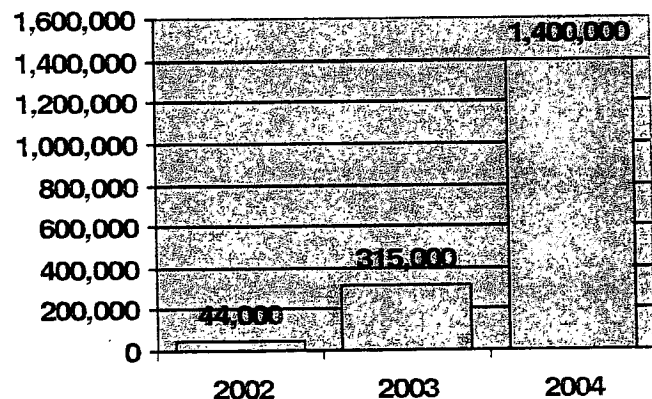
With little fanfare the Internet had a great year, a rebirth of sorts, in 2002. Broadband access to U.S. homes grew 56 percent. Wi-Fi networks broke out everywhere. Yahoo and Amazon turned the corner to consistent profitability. Ebay continued to rock.

There are many ways to deliver broadband to homes and businesses: ISDN, DSL, Ethernet, Fixed Wireless, and a host of other solutions. But none provides the combined benefits of fiber. Fiber boasts very high transmission speeds, high capacity, and (with recent improvements) reasonable costs.

It is no surprise, then, that analysts predict explosive growth for "fiber to the home" (FTTH). According to the FTTH Council, Fiber to the Home is poised growing at a decidedly non-recessionary 440 percent AGR over the next few years.

UTOPIA's mission is an important one. Left entirely to the private sector, the communities UTOPIA serves would most likely be slow to realize the benefits this broadband revolution will bring. By providing the infrastructure, UTOPIA can jumpstart the broadband revolution in Utah.

FTTH Homes Passed



Source: FTTH Council, 1/2003

TRADE SECRET/COMMERCIALY
SENSITIVE

From a communications standpoint, we feel UTOPIA must achieve three goals to ensure their success:

- EDUCATION: Before the community can *believe* in UTOPIA's vision, they must *understand* it. We propose a series of activities to educate your constituency about the MetroNet.
- PERSUASION: Understanding is not necessarily believing. Our second goal is to convince the community that the MetroNet is the best approach.
- PROGRESS: The first steps (education and persuasion) build trust. To keep this trust UTOPIA must show continual progress.

The rest of this document provides the details about how we propose to realize these three goals. But why should UTOPIA select Connect Public Relations?

- MARKET UNDERSTANDING: Connect Public Relations has provided communication services to every corner of the networking industry (both telecom and data) for the last 14 years. Some of our clients have been large (Seimens, Symantec and Sun), while others have been small (F5 Networks, Occam Networks). But all have benefited from our deep understanding of the market.
- TRACK RECORD: Connect Public Relations is the largest PR firm in Utah. We obtain more than 800 stories per month for our clients. We meet with hundreds of analysts and media each month. In short, *we get results*.
- THINK GLOBAL, ACT LOCAL: Connect Public Relations is a large firm, with a long history in your market. We have worked for more than 150 different firms around the world. Yet we are a local firm, headquartered in Provo, Utah. With Connect UTOPIA gets the advantage of a national-level firm combined with the ease of working with a local agency.

TRADE SECRET/COMMERCIALY
SENSITIVE

Section 2: Project Goals



As discussed in the previous section, we propose three high level goals for the UTOPIA communications effort:

- Education
- Persuasion
- Demonstration of Progress

The first two goals, education and persuasion, are difficult. You will be asking people to form new opinions or, in some cases, change their opinion. This is hard work. The final goal, demonstration of progress, is substantially easier.

Further complicating the process is the wide range of audiences we need to communicate with:

- Governing board
- Current (and prospective) member communities
- Industry infrastructure:
 - FTTH/FTTB national community*
 - Service providers*
 - Vendors*
 - Suppliers*
- General public
 - Business*
 - Consumer*

We have designed a mix of tactics to reach these broad constituencies and achieve our three goals. Each tactic is described in the pages that follow.

TRADE SECRET/COMMERCIALY
SENSITIVE

Communication Plan & Strategy

This proposal lays out our strategy and tactics in broad strokes. The first task we will accomplish if we are selected will be to prepare a detailed communications plan and strategy. Among the items we will detail in this document are:

- Target audiences
- Core messages
- Brand messages and personality
- Schedule of activities
- Goals & targets
- Measurement metrics

Public Relations Activities

We feel public relations provides the broadest reach for the least amount of money. Furthermore, because of the perceived independence of the press, public relations has more impact on your audience.

The public relations activities we propose include:

- Assembling a target analyst and media list
- Building a full editorial calendar
- Creating a full media kit, including:
 - UTOPIA backgrounder
 - Architectural blueprint document
 - A series of "What's in it for me" papers targeted to:
 - Communities
 - Infrastructure players
 - Public at large
 - Press releases
- Writing contributed articles which we will place in various media outlets under UTOPIA bylines
- Finding and securing speaking engagements for UTOPIA spokespeople
- Securing and managing in-person press meetings for UTOPIA spokespeople
- Securing ad-hoc media coverage for UTOPIA

TRADE SECRET/COMMERCIALY
SENSITIVE

Newsletter

Newsletters provide an excellent tool to teach, persuade and inform your audiences. Consequently, they help us achieve all three goals. We propose using two forms of newsletters: Hardcopy and electronic. As part of this activity we will:

- Design the newsletter templates
- Create content for the newsletter
- Produce the newsletters on a regular schedule:
 - Monthly for the electronic version
 - Quarterly for the hardcopy version

We can manage the printing process if UTOPIA so desires.

Web Site

UTOPIA needs a Web site targeted to their various constituents. Since UTOPIA's constituents include such varied audiences as public agencies, infrastructure players, business and consumer, we feel there should be two distinct Web sites.

We suggest UTOPIA target the first site towards those partners who would help build the network:

- Governing board
- Current (and prospective) member communities
- Infrastructure players

This site would contain content appropriate for these audiences not generally available to the public. The personality of this Web site should be professional, simple and businesslike.

The second site would be UTOPIA's "public face", targeted to business and consumers served by UTOPIA. It would contain content geared towards users, with an accessible, friendly personality.

Connect would provide the following services:

- General design
- Content production
- Web site maintenance

TRADE SECRET/COMMERCIALY
SENSITIVE

Presentations

UTOPIA spokespeople will be called upon to make a variety of presentations. Connect can help in the following ways:

- PowerPoint templates
- Presentation creation
- Spokesperson training

Town Hall Meetings

One way to get the word out is holding town meetings in the communities served by UTOPIA. Connect can help by:

- Publicizing these town hall meetings
- Creating direct mail invitations
- Managing the meetings

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Section 3: Pricing



We have presented a very aggressive plan in our proposal. We think it is likely that UTOPIA would select a subset of these activities. We have attached a full 12 month budget in appendix A. We summarize those numbers here.

We have indicated a 10% discount in our pricing. This reflects our opinion that this project will boost Utah's technology sector. As Utah's largest PR firm we stand to benefit from this increase, and thus are happy to offer this pricing consideration. Please note that this is the first discount we have offered in our 14 year history.

Summary of Proposal Costs			
Work Package	Total Estimated Cost	Less pricing considerations	Net proposed amount
<i>Communications plan & strategy</i>	\$6,600	\$660	\$5,940
<i>Public relations activities</i>	\$121,250	\$12,125	\$109,125
<i>Newsletter</i>	\$45,600	\$4,560	\$41,040
<i>Web site</i>	\$41,400	\$4,140	\$37,260
<i>Presentations</i>	\$18,600	\$1,860	\$16,740
<i>Town hall meetings</i>	\$27,300	\$2,730	\$24,570
TOTAL	\$260,750	\$26,075	\$234,675

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Section 4: Qualifications and Experience



To accomplish the goals we have set out for UTOPIA requires a senior, talented team. The team leaders we propose are:

Neil Myers

Neil Myers is founder and president of Connect Public Relations. Myers has been involved with the hi-tech industry for more than 20 years. He started one of the first network utility software firms, Pacific Software, in 1983. After selling Pacific Software in 1989, Myers started Connect PR to provide strategic marketing consulting to such clients as Microsoft, Intel, HP and others.

Myers' focus and commitment to excellence has fueled rapid growth for Connect PR. In 1996, Connect PR (then Network Associates) became the first PR firm ever to be listed on the prestigious Inc. 500 list of fastest growing privately-held companies.

Myers received a BS degree in engineering from the University of California at Berkeley. An avid pilot, he lives in Santa Barbara, Calif., where he enjoys spending time with his family.

Sherri Walkenhorst

As a partner of Connect Public Relations, Sherri Walkenhorst directs public relations processes within the organization and provides strategic counsel to clients. With more than 14 years communications experience, Walkenhorst has counseled companies ranging from market leaders to emerging technology start-ups.

Prior to joining Connect Public Relations in 1991, Walkenhorst served as managing editor and marketing manager for LAN Times and as the marketing manager for a telecommunications company.

With an insider's knowledge of the industry, Walkenhorst's successes include effective launches of new products, companies and services as well as repositioning products in the market place.

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Mike Bradshaw

Mike Bradshaw is one of Connect's most senior members. With 10 years high-tech communications experience, Bradshaw has counseled a wide variety of high-tech companies ranging from market leaders like Sun Microsystems and Symantec to emerging technology start-ups.

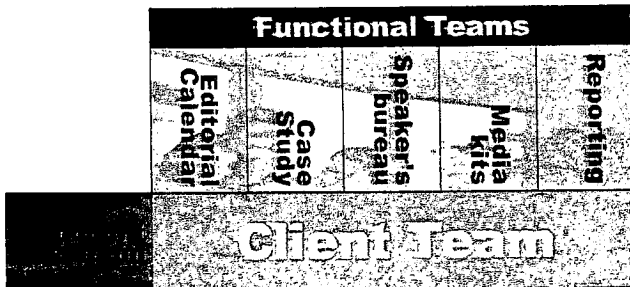
Bradshaw specializes in developing communication programs that reach diverse audiences — from business and financial media to industry influencers and vertical market media. He has vast experience building multi-faceted PR programs that include executive visibility, message development, media and analyst relations, product evaluations, corporate profiles, IPOs and acquisitions.

Bradshaw earned his BA in Communications and Marketing from BYU. When he's not in the office, his pastimes include skiing, snowmobiling, or other extreme type activities such as early morning piano practicing with his children.

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Project Participation and Resources

Connect's account teams are structured to ensure maximum accountability and productivity. Our "modified matrix" team approach makes sure every responsibility is fully owned by a specific team member with domain expertise in that area.



As the account team lead, Mike Bradshaw will respond to the day-to-day activities and provide strategic counsel for PR and media efforts for UTOPIA. Neil Myers and Sherri Walkenhorst will provide strategic counsel, including messaging, speaker training and marketing consulting.

Additional team members from our editorial calendar team, writing and design team, and support team will provide the resources needed to support the public relations activities outlined in this proposal.

Track Record and Clients

Connect Public Relations was founded in 1989 and is a privately held company. Owners include Neil Myers, Sherri Walkenhorst and Holly Hagerman.

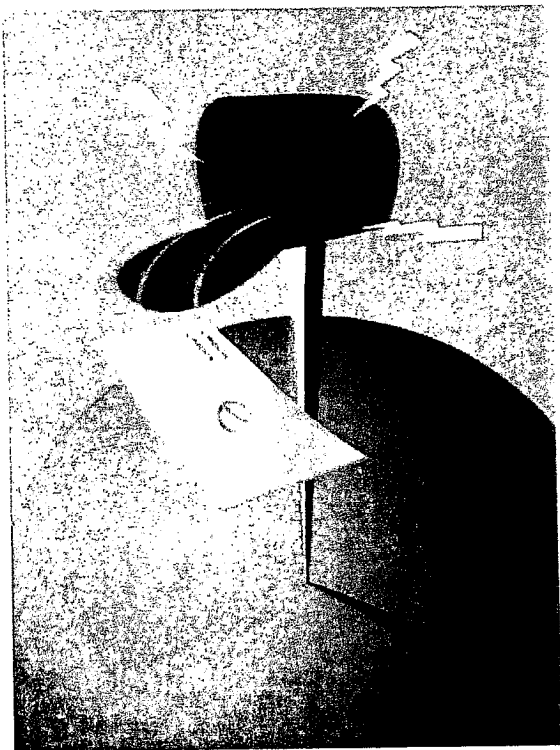
We have worked for more than 150 different firms around the world.

Connect Public Relations At-A-Glance

Year agency was founded	1989
Number of full-time agency employees	25
Number of offices and their locations	Provo, UT San Francisco, CA
Agency PR billings for the last fiscal year	\$4.5M
Current PR clients	<ul style="list-style-type: none"> • Air2Web • Certain Software • Dillithium Networks • Efficient Networks • F5 Networks • Mobile Automation • Network Instruments • Occam Networks • Optika • Rendition Networks • Siemens ICN • Symantec • Symark • Teriatech

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Section 5: References



Symantec

THE CHALLENGE: Symantec has evolved from a company providing problem-solving tools for individuals to the global leader in Internet security. Our goal was to communicate that message to select media and to deliver results.

STRATEGIES: Communicate Symantec's security expertise through profiles of some of the company's security experts. We created bios and began pitching a "profile of a virus hunter".

Communicate Symantec's vision and strategy for the security marketplace through interviews with John Thompson, chairman, president and CEO of Symantec. Specific outlets were chosen according to influence, reach and specific target markets.

RESULTS

Bloomberg Markets
BusinessWeek online
CNBC Squawk Box
CNET
CNNFN *In the Money*
CRN
Dallas Morning News
Dow Jones
GCN
Government Computer News
Greater Milwaukee Today

Interactive Week
Knight Ridder News Service
Military Information Technology
Newsbytes
PBS Nightly Business Report
Red Herring
San Francisco Chronicle
The New-Times
USA Today
Wall Street Journal

NEXT STEPS: Both campaigns have been highly successful, but we are only in the beginning stages. For the profile series, we are expanding the campaign to include additional security experts. For company profiles, we are now expanding our list of media outlets as well as the executives who will be discussing the company's vision.

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Efficient Networks

Connect Public Relations has represented Efficient Networks (now a division of Siemens) for the last three years. In that time, Efficient has received more press than at any other time in their history. Efficient has received press this year in more than 200 publications, including:

Barron's	InternetWeek
Boston Globe	Investor's Business Daily
Broadband Networking News	ISP Weekly
Broadband Solutions	Los Angeles Times
Broadband Week	Maximum PC
Business Communications Review	Merger & Acquisitions
Business 2.0	Miami Herald
BusinessWeek	Net Economy
BusinessWeek International	Network Computing
Cable World	Network Magazine
Communications News	Network World
ComputerWorld	New York Post
CRN	New York Times
Daily Deal	Orlando Sentinel
Dallas Business Journal	Palm Beach Post
Dallas Morning News	PC Magazine
eWeek	Reuters America, Inc.
Financial Times	San Francisco Chronicle
Forbes	San Jose Mercury News
Forbes Global Business & Finance	Seattle Post-Intelligencer
Fortune	Seattle Times
Global Finance	Sun
Global Telephony	Tele.com Magazine
Globe & Mail	Telecom Business
Government Computer News	Telecommunications Reports
Industry Week	Teleconnect
Information Security	Telephony
Information Week	Toronto Star
InfoWorld	USA Today
Interactive Week	Wall Street Journal
International Herald Tribune	Washington Post

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However, Efficient Networks was faced with serious challenges as the CLEC market has been collapsing around them. They tasked Connect with getting the kind of coverage that would help position Efficient as a leader.

Our strategy was to establish Mark Floyd, president of Efficient Networks, as a visionary in the broadband marketplace. With the broadband industry in turmoil, we wanted Mark to communicate his vision for the future of the market and the promise of new technologies.

Through interviews established with local business media, national business media and trade media, Mark clearly articulated how Efficient is going to drive the adoption of high-speed Internet connections.

Profiles on Mark appeared in Forbes Magazine, The Dallas Morning News, InfoWorld and other high-level publications. The articles were positive for the broadband industry and demonstrated that Mark was keeping a close eye on changing trends in the marketplace.

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Optika

Connect Public Relations has represented Optika more than three years. In that time, we have worked to promote Optika as a provider of imaging, workflow and collaboration software for ERP and other line-of business systems.

THE CHALLENGE: Our biggest challenge was the lack of significant product news until the last quarter of 2002 when their product Acorde 3.0 was announced.

STRATEGIES: Our strategy for dealing with this was to couple several smaller announcements to generate more interest with the press and analyst communities.

The PR efforts helped Optika received press last year in more than 115 publications including:

ABA Banking Journal	IndustryWatch.com
Air Transport Intelligence	InformationWeek
Bank Systems and Tech	InfoWorld
Bloomberg	IntelligentEnterpriseonline
Business Solutions	Internet World
ChamberBiz.com	InternetWeek
Cnet.com	iSource
CNNiw	ITToolbox
Collections & Credit Risk	ITWeb
ColoradoBiz	KMWorld
Computerworld	KnightRidder Tribune
Dallas News	Miamitodaynews.com
DataWarehouse.com	New Straits Times
Denver Post	Q&A Magazine
Direct Magazine	Rocky Mountain News
DM Review	Silicon Valley Business Ink
Document Imaging Report	Software Magazine
eAI Journal	The Gazette
eBizQ	Transform Magazine
Electronic Commerce	University Business
FrontRange Tech Biz	Web Services Journal

CONTACT:

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Siemens ICN

THE CHALLENGE: Siemens's customers are some of the most well-known and successful university, government entities and private companies in the world, but they had been unable to showcase this to the media and potential customers in these critical markets.

STRATEGY: Connect was tasked with helping Siemens create a clear message to the media in these markets. After pinpointing several of their customers in the healthcare, education, government and financial industries, Connect executed a successful case study program to promote their successes among key vertical market media.

RESULTS: Siemens ICN is now armed with prominent media coverage in many of their key target markets.

"Our sales teams has noticed a dramatic benefit form the media coverage we have received. Media contacts in these industries now know and understand our technology and how it is being used by customers in their field, says Suzanne Crow, Siemens' Sr. Manager of Public Relations. "And the customers have loved the publicity too because it helps them gain added recognition for their work within their own organizations."

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F5 Networks

Connect Public Relations has represented F5 Networks since their official launch in 1999. In March of 2001, F5 was named to PC Magazine's Internet Business 100 and in August of that same year they were ranked #2 in the Layer-4-7 Switch market. Today F5 has more than 4,000 customers and nearly 500 employees.

The PR efforts resulted in coverage in the following publications:

Bloomberg	Internet World
Business 2.0	Investor's Business Daily
Business Week	MSNBC.com
ComputerWorld	.Net Magazine
Communications News	New Architect
CNET	Network Computing
CNN Money	Network Magazine
CRN	Network World
Dow Jones	PC Magazine
East Side Journal - VARBusiness	Puget Sound Business Journal
Enterprise Systems Journal	Seattle Post-Intelligencer
eWeek	Seattle Times
Forbes	TechRepublic.com
Government Computer News	The451.com
Information Week	Wall Street & Technology
InfoWorld	Washington CEO
Interactive Week	Web Services Journal
InternetWeek	

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Section 6: Appendices



Appendix A: Pricing Details

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CONNECT PUBLIC RELATIONS

UTOPIA PROPOSAL

CPR 001201

TRADE SECRET/COMMERCIALLY
SENSITIVE

CONNECT PUBLIC RELATIONS

UTOPIA PROPOSAL

CPR 001202

EXHIBIT 2

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Attorneys for Connect Public Relations, Inc.

Opposed Mark: CONNECT
U.S. Trademark Application Serial Number: 77/714,693
Published: March 2, 2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CONNECT PUBLIC RELATIONS, INC., a Utah)	
corporation,)	
)	
Opposer)	AFFIDAVIT OF
)	DR. GLENN L CHRISTENSEN
v.)	
)	
DIGITALMOJO, INC., a California corporation,)	Opposition No. 91196299
)	
Applicant.)	
)	
)	

I, Dr. Glenn L. Christensen, make this affidavit and hereby on oath state, based upon my personal knowledge:

I. Introduction

1. I am the Garrett Research Fellow and Associate Professor of Marketing in the Marriott School of Management at Brigham Young University. I have held this position since

2002. In my university appointment, I conduct academic research focused on consumer psychology. Additionally, I have taught courses in consumer behavior, marketing management, and marketing strategy. I currently teach graduate (MBA) courses in marketing management and brand strategy.

2. In addition to my work at the university, I consult with various firms, conduct marketing research surveys for clients, and have been retained as an expert witness in cases involving Lanham Act intellectual property litigation.

II. Education and Specialization

3. I received my Bachelor of Arts in Communications with an emphasis in Public Relations at Brigham Young University in 1994. In 1997, I earned my Masters of Business Administration in Marketing at the Marriott School of Management at Brigham Young University. For the next five years I taught various marketing courses as I pursued my PhD in marketing focused on consumer psychology and consumer behavior in the Smeal College of Business at Penn State University. I earned my PhD in Marketing and Consumer Behavior from Penn State in 2002. My curriculum vitae is appended to this report in Exhibit A.

4. My research focuses on the mind of the consumer as she/he engages in consumer decision making, employs mental imagery of possible future consumption, responds to service providers, evaluates service failures, interprets advertisements, brands and trademarks, formulates and pursues consumption goals, and experiences product involvement. The mind of a consumer is a fascinating topography to explore.

5. I have published scholarly articles in the *Journal of Marketing* (a premier scholarly journal in my discipline), the *Emory Law Journal*, *The Trademark Reporter*, *Psychology and Marketing*, the *Arizona State Law Journal*, *Qualitative Market Research*, *Advances in Consumer*

Research, European Advances in Consumer Research, and Advances in Business Management and Forecasting.

6. I have presented my research numerous times at premier international consumer and marketing research conferences, including the Association for Consumer Research conference where, in 2000, my research was honored with the Nicosia Award for best competitive paper.

7. In my academic research and consulting practice I have conducted and participated in numerous consumer research studies across a spectrum of industries and consumption contexts.

8. I am a member of the Association for Consumer Research (ACR), the American Marketing Association (AMA), and the International Trademark Association (INTA).

9. I am being compensated in this matter.

III. Research Questions

10. I was asked by Clayton, Howarth & Cannon, P.C., counsel for Opposer, Connect Public Relations, Inc., to carefully review Opposer's ConnectPR[®] and Connect Public Relations[®] registered trademarks, and Applicant's (Digitalmojo, Inc.) proposed registration of the trademark, Connect, and assess the similarity, if any, of the parties' respective marks and the similarity, if any, of parties' goods and services under a likelihood of confusion analysis.

IV. Analysis of the Marks

11. To further refine my analysis of the likelihood of confusion between the marks of these two firms, I will focus on two of the most important factors that are central to an assessment of the likelihood of confusion—(1) similarity of the marks and (2) similarity of the

goods and services.¹ These two important factors are derived from first two elements in the DuPont multifactor test for the likelihood of confusion.²

12. The focus of my analysis (i.e. the data for this research) will be the descriptions of the various marks as they are found on the USPTO federal registry.

13. As with all research I conduct, the need to ensure objectivity and integrity in the research processes exerted a pervasive impact throughout this investigation. I personally am responsible for the research including analyzing the marks, forming my opinions, and preparing this report.

Similarity of the Marks

14. Opposer holds several federal registrations for two marks that are at issue in this instance, namely, Connect Public Relations® and ConnectPR®. The trademark registrations for the Connect Public Relations® and the ConnectPR® marks are presented in Exhibit B.

15. To begin, looking closely at the totality of the Connect Public Relations® mark, reveals that the mark contains at least two clear and distinct features—a dominant initial portion of the word mark and a secondary identifier. When conducting an analysis of any trademark, the whole mark in its totality must be considered in forming an opinion. However, the dominant portion of a mark is more likely to be used by a customer as a source identifier while any less-dominant portion is less likely to be used as a source indicator. It is my opinion that the dominant, initial portion “connect” of the word mark is the aspect of the mark customers will

¹ While no one factor is held to be dispositive, recent empirical research shows that these two factors are the most important and most often relied upon by the courts in assessing the likelihood of confusion, see Barton Beebe, *An Empirical Study of the Multifactor Tests for Trademark Infringement*, 94 Cal. L. Rev. 1581, 1624 (2006) (“The data clearly show that the similarity of the marks factor is by far the most important factor in the multifactor test.”); See also, Kevin Blum, Ariel Fox, Christina J. Hayes, and James (Hanjun) Xu, *Consistency of Confusion? A Fifteen-Year Revisiting of Barton Beebe’s Empirical Analysis of Multifactor Tests for Trademark Infringement*, 2010 Stan. Tech. L. Rev. 3.

² In re E.I. du Pont de Nemours & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973)

rely on as a source identifier. This is because the term “connect” is the first part of the mark³ as well the only part of the mark that is not disclaimed in the registrations.⁴ Further, I note that there is evidence in Opposer’s promotional material that customers and trade partners already truncate their references to Opposer’s firm, focusing just on the dominant initial portion of the mark, Connect, to identify the firm. For example, in Opposer’s document labeled with the production number CPR001224, there is a callout highlight where a Washington Post reporter is quoted as saying, “Connect is one of the most responsive agencies...” Further, a customer is quoted in another promotional brochure, “Connect’s press summits help us penetrate the Aisa Pacific Market.”⁵ Finally, on Opposer’s website home page, there is a quote from its customer, “Connect earned our loyalty by exceeding our expectations.”⁶

16. Similarly, ConnectPR[®] is nearly an identical mark to Connect Public Relations[®]. In my opinion, the only difference between the marks is that the disclaimed term (public relations) is not written out but abbreviated with the common shorthand, PR. My analysis of this mark is identical to the previous Connect Public Relations[®] mark. It is my opinion that the dominant, initial portion of the mark, Connect is the feature of the mark that customers will rely upon as a source identifier.

³ Presto Products, Inc. v. Nice-Pak Products, Inc., 9 U.S.P.Q.2d 1895 (T.T.A.B. 1988) (“[I]t is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser.”); See also, J. Thomas McCarthy, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION §23:45 @ 23-227(4th ed. 2008).

⁴ Public Relations and its commonly employed abbreviation, PR are disclaimed in the registrations, see Exhibit B; See also, J. Thomas McCarthy, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION §23:45 @ 23-228, (4th ed. 2008) (“A disclaimed segment of a composite registration is not the ‘dominant’ part.”)

⁵ CPR001968; Many other examples could be given of this customer focus on the initial dominant portion of the mark, Connect to refer to Opposer’s firm. For example see also, CPR001967, quoting another customer “Connect got our message out.”; CPR001278, quoting a trade partner, “Connect has the experience, discipline, and talent...”; CPR001273, quoting a customer, “Connect has helped put us on the map...”

⁶ www.connectpr.com accessed August 5, 2011

17. Finally, analysis of the Applicant's proposed mark Connect is again straightforward. Of course, Connect is the source indicator and is dominant given that are no other aspects to the mark.

18. Taken together, Connect is the initial, common, and dominant aspect of the Opposer's marks and it is my opinion that Connect is the element common to all the marks that customers will rely upon as a source indicator and there is evidence that I have reviewed that customers do indeed rely upon Connect to refer to Opposer's firm.

19. With this analysis in hand, I will now turn to an assessment of the similarity of the marks in question. The Applicant's PTO application for the word mark Connect is appended to this document in Exhibit C.

20. Comparing the relevant and dominant portion of the Opposer's marks with the Applicant's proposed Connect mark, it is my opinion that the marks are similar as to sound, sight, and meaning.⁷ For purposes of a customers' source identification, it is my opinion that the marks are essentially identical.

21. In summary, given the essentially identical nature of the dominant portions of the marks at question in this instance, it is my opinion that this great similarity significantly increases the likelihood of customer confusion between the marks. I will now turn to the second research question, an assessment of the similarity of the goods and services.

⁷ J. Thomas McCarthy, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION §23:21 @ 23-141, (4th ed. 2008).

Similarity of the Goods and Services

22. In beginning my analysis of the similarity of the goods and services between the Opposer's goods and services and the Applicant's proposed goods and services, it is important to identify the parameters of this factor that are relevant in forming my opinion.

23. One relevant parameter guiding my analysis in this area is that as the degree of similarity between the marks increases, the less similarity in the goods and services offered is needed to support the likelihood of customer confusion.⁸

24. Another parameter is that when the marks are essentially identical as in the present instance, there need only be a "viable relationship between the goods or services in order to support a holding of likelihood of confusion."⁹ Given this parameter, a guiding question becomes, "Is there evidence in these data to identify a relationship between the services offered?"

25. The first step is to look closely at the Opposer's registered marks to determine the breadth¹⁰ of its registrations for goods and services. To do this, my analysis will focus directly on the registered marks presented in Exhibit B.

26. Opposer's service mark, U.S. Trademark Registration Number 2,366,850 is for ConnectPR. This is a registration for that mark in conjunction with "Marketing and market research and consulting services; Public and media relations services and sales promotion

⁸ Ibid., §23:21 @ 23-139-140, ("[T]he greater the similarity in the marks, the lesser the similarity required in the goods or services of the parties to support a finding of likely confusion.")

⁹ In re Concordia Int'l Forwarding Corp., 222 USPQ 355 at 356 (TTAB 1983).

¹⁰ I understand that the Opposer's registrations and the Applicant's application are evaluated on the basis of the descriptions of the goods and services presented in the registrations and application regardless of the Opposer's or Applicant's actual or intended use. For this reason, I have focused my investigation on the actual registrations and application at hand.

services, in class 35.”¹¹ It is my opinion that the breadth of this registration is for a service firm involved in all the activities relating to marketing and public relations for their clients. It is my opinion based on my experience that this would include working with firms to market their products, communicate directly with their customers, improve their strategies, manage media coverage and impressions, position their products in their customers’ minds, create media to promote their products, create and manage social media exposure, sell their products, etc. My own review of the Opposer’s website and other materials indicates that they are engaged in these activities in its trade practice.¹² There are a myriad of activities that would fall under the normal marketplace practice of such a marketing and public relations firm for clients. It is also my opinion that there is nothing in this registration that limits these activities to any specific market, customer, or industry. Nor is there anything, in my opinion, in this registration that limits the specific kinds or types of marketing and public relations services in which Opposer can participate.

27. Opposer’s next service mark, U.S. Trademark Registration Number 2,365,074 is again for ConnectPR. This mark is for, “Communications services, namely, delivery of messages by electronic transmission, in class 38.”¹³ In my opinion, I understand this to mean a business that would provide communication services for clients, where messages would be delivered by electronic means. In my view, this could include at least in part, facsimile transmission of press releases for clients, emailing customers on behalf of clients, online media

¹¹ This registration is duplicated exactly in the service mark, U.S. Trademark Registration Number 2,373,504, for Connect Public Relations. “For: Marketing and market research and consulting services; Public and media relations services and sales promotion services, in class 35.” My opinion is the same for this Connect Public Relations mark as it stated above for the corresponding ConnectPR mark.

¹² For example, see www.connectpr.com, accessed August 5, 2011.

¹³ This registration is duplicated exactly in the service mark, U.S. Trademark Registration Number 2,383,778, for Connect Public Relations. “For: Communications services, namely, delivery of messages by electronic transmission, in class 38.” My opinion is the same for this Connect Public Relations mark as it stated above for the corresponding ConnectPR mark.

messaging for clients, etc. I note that here again that it is my opinion that the breadth of this registration is quite wide and does not limit the offering of communication services to any specific market, customer, or industry. Nor does this registration limit, in my opinion, any form of electronic media that might be employed in the delivery of communication services.

28. The next mark, U.S. Trademark Registration Number 2,713,691 is again for ConnectPR, (U.S. Trademark Registration 3,330,353 is also for ConnectPR in the same class). In my opinion, this trademark is for the goods and services that are part of the processes of conducting marketing and public relations consultancy activities for clients. Specifically, it is for "Printed publications, namely, reports, press kits, and brochures in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion material, and seminar creation and operation, in Class 16."¹⁴ Again it is my opinion based on my analysis of this registration that there is no limit on the breadth of this registration as to market, customer, or industry.

29. The next trademark, U.S. Trademark Registration Number 2,383,777 is again for the mark, ConnectPR. This mark is for, "Prerecorded audio recordings, prerecorded video recordings, and prerecorded audio-visual recordings featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services; Electronic publications featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sale promotions

¹⁴ This registration is duplicated exactly in the trademark registration for Connect Public Relations, U.S. Trademark Registration Number 2,362,916. "For: Printed publications, namely, reports, press kits, and brochures in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion material, and seminar creation and operation, in Class 16." My opinion is the same for this Connect Public Relations mark as it stated above for the corresponding ConnectPR mark.

services on computer disks and CD-ROMs, in Class 9.”¹⁵ In my opinion, this a registration for audio-visual materials created in support of a marketing and public relations activities. This registration in my view is not limited as to market, customer, or industry. However the identification of goods in this registration is in the fields of audio-visual materials related to marketing, market research, and public relations consulting.

30. Having presented my opinion regarding the of Opposer’s marks, I now turn in my analysis to Applicant’s proposed mark, Connect. In this analysis I will look for a relationship, if any, between the goods and services described as being potentially offered by the Applicant and the breadth of the Opposer’s registrations for goods and services as presented above.

Applicant’s registration for the proposed Connect mark is presented in Exhibit C.

31. I will first investigate the Class 35 goods and services description of the Applicant’s proposed Connect mark, Serial Number 77714693.

32. The first description is for: “Business marketing services in the nature of agency representation of companies marketing a variety of services to home owners and renters, namely, utility hook-ups, telecommunication services, home security services, home warranties, home and yard maintenance, furniture and appliance rental.” In my opinion, the “business marketing services” as described in Applicant’s proposed Connect registration is a form of marketing activity for a client to market and promote their products and services to customers. Given the broad breadth of the Opposer’s registrations, it is my opinion that the activities described in Applicant’s registration are a form or subset of the marketing activities that is a part of Opposer’s

¹⁵ This registration is duplicated exactly in the trademark registration for Connect Public Relations, U.S. Trademark Registration Number 2,373,505. “For: Printed publications, namely, reports, press kits, and brochures in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion material, and seminar creation and operation, in Class 16.” My opinion is the same for this Connect Public Relations mark as it stated above for the corresponding ConnectPR mark.

registrations. Thus it is my opinion that there is more than a “relationship” between the Opposer’s goods and services and the Applicant’s proposed goods and services in this specific description. Rather it is my opinion that these specific “business marketing services” are a subset, subtype, form, or subcategory of the broader rubric of “marketing and market research and consulting services” as contained in the registrations to Opposer (U.S. Trademark Registration Numbers 2,373,504 and 2,366,850).

33. The next description is for: “Comparative marketing and advertising services for providers of residential and business telecommunications services, namely, for providers of broadband cable, DSL, fiber-optic and satellite Internet access services, cable and satellite television, voice over IP, and long-distance telephone services.” These specific “comparative marketing and advertising services” for business clients (i.e. “providers”) are, in my opinion, a subset, type, or subcategory of the broader rubric of “marketing and market research and consulting services” as contained in the registrations to Opposer (U.S. Trademark Registration Numbers 2,373,504 and 2,366,850).

34. On this point, there is also some evidence that a specific business customer segment the Applicant is planning to target with its “comparative marketing and advertising services,” (specifically, “providers of broadband cable, DSL, fiber-optic and satellite Internet access services”), is a customer segment that Opposer is already targeting and serving. Exhibit D attached hereto presents a client proposal for marketing and public relations services from Opposer to the Utopia fiber-optic Internet service provider.¹⁶ Further, the Opposer lists the cable, telephone, and Internet service provider, Veracity Networks as a current client listed on its website.¹⁷ Thus there is initial evidence Opposer is currently and Applicant is planning to target

¹⁶ CPR001185-CPR0001202

¹⁷ www.connectpr.com, accessed August 5, 2011.

and serve the same customer segments. In my opinion, targeting and serving the same customer segments will likely pit these marks in direct competition with each other which, given the essentially identical character of the marks, will in turn increase the likelihood that these marks will be encountered by the same customers which will of course increase the likelihood of confusion.

35. The next description is for: "Operation of telephone call centers for others." In my opinion, this activity is so broadly defined that it would include call centers that are used for marketing and thus would constitute a form of marketing service (for example, telemarketing) which would thus be a subset, type, or subcategory of "marketing and market research and consulting services" as contained in the registrations to Opposer (U.S. Trademark Registration Numbers 2,373,504 and 2,366,850).

36. The next description is for: "Marketing of high speed telephone, Internet, and wireless access, and directing consumers to access providers." This in my opinion is another subset, type, or subcategory of "marketing and market research and consulting services" as contained in the registrations to Opposer (U.S. Trademark Registration Numbers 2,373,504 and 2,366,850).

37. The next descriptions are for: "Providing an online directory information service featuring information regarding, and in the nature of, classifieds; advertising and information distribution services, namely, providing classified advertising space via the global computer network; promoting the goods and services of others over the Internet; providing online computer databases and on-line searchable databases featuring classified listings and want ads." In my opinion, all of these activities revolving around online classified advertising are a form of marketing service. This in my opinion, is a subset, type, or subcategory of "marketing and

market research and consulting services” as contained in the registrations to Opposer (U.S. Trademark Registration Numbers 2,373,504 and 2,366,850).

38. The next description is for, “Online business networking services.” This in my opinion is a type of marketing service for businesses. As such, it is, in my opinion, a subset, type, or subcategory of “marketing and market research and consulting services” as contained in the registrations to Opposer (U.S. Trademark Registration Numbers 2,373,504 and 2,366,850).

39. Another description is for, “Providing an online interactive website obtaining users comments concerning business organizations, service providers, and other resources; providing information, namely, compilations, rankings, ratings, reviews, referrals and recommendations relating to business organizations, service providers, and other resources using a global computer network.” This, in my opinion is a form of marketing and market research which is in turn a subset, type, or subcategory of “marketing and market research and consulting services” as contained in the registrations to Opposer (U.S. Trademark Registration Numbers 2,373,504 and 2,366,850).

40. The last relevant description in class 35 is for, “Arranging for others the initiation and termination of telecommunication services and utility services in the nature of water, gas and electricity and consultation rendered in connection therewith.” To the extent this “initiation” represents sales promotion or other marketing service, it is my opinion that this is a subset, type, or subcategory of “marketing and market research and consulting services” as contained in the registrations to Opposer (U.S. Trademark Registration Numbers 2,373,504 and 2,366,850).

41. Finally, another description in class 38 is for, “Providing online chat rooms for registered users for transmission of messages concerning classifieds, virtual community and social networking.” To the extent this service involves and revolves around classified

advertising, it would, in my opinion, be a form of marketing service. Thus, in my opinion it would be a subset, type, or subcategory of “marketing and market research and consulting services” as contained in the registrations to Opposer (U.S. Trademark Registration Numbers 2,373,504 and 2,366,850).

42. Taken together, there are several key descriptions of the proposed goods and services, as identified above in the Applicant’s Connect proposed registration, which, in my opinion, fall within the breadth of the Opposer’s registrations. The Applicant’s proposed goods and services that I have analyzed in this report are, in my opinion, quite similar and even identical as a subset to the Opposer’s goods and services as described in its registrations. Given that there need only be a “relationship” between the goods and services of these essentially identical marks, it is my opinion that in this case there is more than a “relationship” because the Applicant’s goods and services are a subset of the Opposer’s goods and services. Therefore, the likelihood of customer confusion is high.

V. Summary of Principal Findings

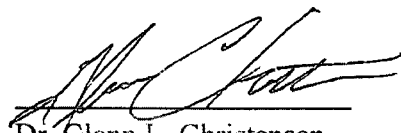
43. It is my opinion that Opposer’s ConnectPR[®] and Connect Public Relations[®] registered trademarks, and Applicant’s proposed Connect mark are essentially identical. Thus as to similarity of the marks, it is my opinion that these are essentially identical marks.

44. Further, as to the similarity of the goods and services described in the registrations of these marks, it is my opinion that these marks are quite similar and even identical as a subset in the areas I have described in this report. Further I note that the Applicant proposes to target and serve its marketing goods and services to customers segments already targeted and served by

the Opposer. Taken together, it is my opinion that the similarity of these goods and services is quite high which makes customer confusion more likely.

45. In summary, it is my considered opinion, based on my examination of these marks, my experience, and my education, that there is likely to be customer confusion between the Opposer's marks and the Applicant's proposed mark. This is because of the essentially identical nature of the marks, the close, even identical, similarity between the goods and services described, and because there is initial evidence that the same customer segments are or will be targeted and served by both marks.

46. I declare under penalty of perjury that the foregoing is true and correct. Executed this ^{GLL} ~~26th~~ day of OCT, 2011, in Provo, Utah.


Dr. Glenn L. Christensen
Garrett Research Fellow
Associate Professor of Marketing
Marriott School of Management
Brigham Young University

STATE OF Utah)
)
COUNTY OF Utah) : ss.

On Oct 6, 2011, before me personally appeared Dr. Glenn L. Christensen, known to me to be the person described and who signed the foregoing Affidavit of Dr. Glenn L. Christensen in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.

LuAnn B. Mart
NOTARY PUBLIC

My Commission Expires:

11-3-2013

Residing at

Orem, Utah

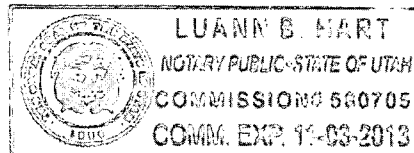


EXHIBIT A

GLENN L. CHRISTENSEN

Garrett Research Fellow & Associate Professor of Marketing
Marriott School of Management
Brigham Young University

EDUCATION

PhD, The Smeal College of Business Administration, Department of Marketing
The Pennsylvania State University, 2002, University Park, Pennsylvania

MBA, Marriott School of Management, Brigham Young University, 1997, Provo, Utah
Emphasis: Marketing Management, Marketing Research

BA, Brigham Young University, 1994, Provo, Utah, Honors graduate with thesis
Major: Communications, Public Relations

HONORS & AWARDS

- ◆ Garrett Research Fellowship, Marriott School of Management, 2008
- ◆ Department of Business Management Outstanding Researcher Award, 2008
- ◆ Marketing Management Association (MMA) Teaching Excellence Award, 2008
- ◆ Marriott School of Management, Merrill J. Bateman Teaching Award Finalist, 2008
- ◆ 6th Annual Hormel Foods MMA Master Teaching Competition Award Finalist, 2008
- ◆ The Marriott School of Management Teaching Excellence Award, 2006
- ◆ Women's Intercollegiate Athletics teaching recognition, Brigham Young University, 2005
- ◆ Fellow, American Marketing Association Sheth Doctoral Consortium, 2001
- ◆ The Franco Nicosia Competitive Paper Award, best competitive paper, Association for Consumer Research conference, 2000
- ◆ Ossian R. MacKenzie Doctoral Teaching Award, Penn State, 2001-2002
- ◆ Fred Brand Jr. Outstanding Graduate Student Teaching Award, Penn State, 1999- 2000
- ◆ Selected to represent the Penn State Marketing Department as a presenter at the 30th Albert Haring Symposium, Indiana University, March 2000
- ◆ Interfraternity Council and Pan-Hellenic Council outstanding teaching recognition, 1999
- ◆ Honors graduate with thesis, Brigham Young University, 1994

RESEARCH GRANTS

Marriott School of Management Research Grant, awarded each year, 2004-2009
Institute of Marketing Research Grant, Marriott School of Management, 2007, 2009-2010
J.C. Penny Research Grant, Marriott School of Management, 2005
Kevin and Debra Rollins Center for eBusiness Research Grant, Marriott School, 2003
Global Management Center Research Grant, Marriott School of Management, 2003

RESEARCH FOCUS

Consumer dreams and consumption visions; Consumer goals and goal hierarchies; Consumer involvement; Service recovery; Trademarks, trademark law, consumer psychology, and likelihood of consumer confusion

PEER-REVIEWED RESEARCH PUBLICATIONS

"Sophisticated but Confused: Brand Extension and Motivation as Factors Increasing the Likelihood of Source Confusion," (2011), with Eric DeRosia and Thomas R. Lee, *Psychology and Marketing*, 28 (5), 457-478.

"When Consumer Well-Being Meets Small Business Ownership: Transforming Financial Service Systems to Eradicate Disparate Treatment and Discrimination," (2010) with Sterling A. Bone and Jerome D. Williams, *Journal of Macromarketing*, 30 (4), 419. (extended abstract)

- "An Empirical and Consumer Psychology Analysis of Trademark Distinctiveness," (2009), with Thomas R. Lee and Eric D. DeRosia, *Arizona State Law Review*, 41 (4), 1033-1109.
- "Blind Insights: A New Technique for Testing A Priori Hypotheses with Qualitative Methods," (2009), with Eric D. DeRosia, *Qualitative Market Research*, 12 (1), 15-35.
- "Trademarks, Consumer Psychology, and the 'Sophisticated' Consumer," (2008), with Thomas R. Lee and Eric D. DeRosia, *Emory Law Review*, 57 (3), 575-650.
- "Sophistication, Bridging the Gap, and the Likelihood of Confusion: An Empirical and Theoretical Analysis," (2008), with Thomas R. Lee and Eric D. DeRosia, *The Trademark Reporter*, 98 (4), 913-949, (Lead Article).
- "Forecasting Deep Consumer Resonance: An Application of the Zaltman Metaphor Elicitation Technique (ZMET)," (2008), with James Forr, and Eric D. DeRosia in *Advances in Business Management and Forecasting*, Vol. 5, eds, Kenneth D. Lawrence and Michael D. Geurts, Greenwich, Conn: JAI Press, 133-156.
- "A Cultural Models Approach to Service Recovery Expectations," (2007), with Torsten Ringberg and Gaby Odekerken-Schröder, *Journal of Marketing*, 71 (July), 194-214.
- "Improving Sales Forecasts by Testing Underlying Hypotheses about Consumer Behavior: A Proposed Qualitative Method," (2006), with Eric D. DeRosia and David B. Whitlark, in *Advances in Business Management and Forecasting*, Vol. 4, eds, Kenneth D. Lawrence and Michael D. Geurts, Oxford, UK: Elsevier Science, 183-197.
- "Using the Zaltman Metaphor Elicitation Technique (ZMET) to Map Consumers' Mental Models," (2002), with Jerry C. Olson, *Psychology and Marketing*, 19 (June), 477-502.

**PEER-REVIEWED
INTERNATIONAL
CONFERENCE
PROCEEDINGS
PUBLICATIONS**

- "Involved with What? The Impact of Goal Heterogeneity on High Enduring Involvement," (2001) with Jerry C. Olson, abstracted in *Advances in Consumer Research*, Vol. 28, ed. Mary C. Gilly and Joan Meyers-Levy, Association for Consumer Research, Valdosta, GA: Association for Consumer Research, 392. (Nicosia Award winner for best conference paper).
- Rejected, Shackled, and Alone: The Experience of Systemic Restricted Consumer Choice among Minority Entrepreneur Consumers," (2011) with Sterling A. Bone and Jerome D. Williams, in *Asia-Pacific Advances in Consumer Research*, Vol. 9, eds, Zhihong Yi, Jing Jian Xiao, June Cotte, and Linda Price.
- "The Stonewall Metaphor: Making an Impact with Transformative Consumer Research," (2007), with Eric D. DeRosia in *Advances in Consumer Research*, Vol. 34, eds, Gavan J. Fitzsimons and Vicki G. Morwitz, Duluth, MN: Association for Consumer Research, 8-9.
- "Hierarchicality in Consumption Visions: Imagic Anticipation and Dynamics Within the Goal Structure," (2006) with Jerry C. Olson and William T. Ross, *European Advances in Consumer Research*, Vol. 7, ed. Karin M. Ekström and Helene Brembeck, Duluth, MN: Association for Consumer Research, 584-585.
- "Balance in the (Re)making: A Deep Metaphor Analysis Of Consumer Recovery Expectations," (2006), with Torsten Ringberg, *European Advances in Consumer Research*, Vol. 7, ed. Karin M. Ekström and Helene Brembeck, Duluth, MN: Association for Consumer Research, 440-441.

"The Influence of Socio-Cultural Frameworks on Consumers' Service Recovery Expectations," (2003), with Torsten Ringberg, extended abstract in *Advances in Consumer Research*, Vol. 30, eds. Punam Anand Keller and Dennis W. Rook, Valdosta, GA: Association for Consumer Research, 385-386.

"Why Consumption Vision? Understanding Consumer Value in Anticipatory Consumption Imaging," (2004), with Jerry C. Olson and William T. Ross, extended abstract in *Advances in Consumer Research*, Vol. 31, eds. Barbara E. Kahn and Mary Frances Luce, Valdosta, GA: Association for Consumer Research, 130-131.

"The Phenomenology of a Goal: Consumption Visions Across Consumer Behavior," (2003), with Jerry C. Olson and William T. Ross, *European Advances in Consumer Research*, Vol. 6, eds. Darach Turley and Stephen Brown, Valdosta, GA: Association for Consumer Research, 108.

**RESEARCH
UNDER
REVIEW**

"Finding Success with Graduate Marketing Students," with David B. Whitlark, invited for second review at the *Journal of Marketing Education*.

**RESEARCH IN
PROGRESS**

"Rejected, Shackled, and Alone: The Experience of Systemic Restricted Consumer Choice among Minority Entrepreneur Consumers," with Sterling A. Bone and Jerome D. Williams, targeted for the *Journal of Consumer Research*.

"Advertising and Equity Turnover," with Eric DeRosia, Grant McQueen, and Keith Vorkink, targeted for *Review of Finance*.

"Recovery in the Balance," with Torsten Ringberg, targeted for the *Journal of Services Marketing*.

"Exploring the Forms of Anticipatory Mental Imagery: An Empirical Investigation of Imaginative Hedonism's Taxonomy of Consumption Visions," with William T. Ross and Jerry C. Olson, targeted for the *International Journal of Research in Marketing*.

"Adaptive Service Recovery," with Torsten Ringberg, targeted for the *Harvard Business Review*.

"The Phenomenology of a Consumer Goal: Consumption Visions Across Consumer Behavior," with William T. Ross and Jerry C. Olson, targeted for the *Journal of Consumer Research*.

"The Surprising Consequences of Mental Imagery Responses to Advertisements," with Eric DeRosia targeted for the *Journal of Consumer Research*.

"Why Consumption Vision? Finding Consumer Value in Anticipatory Mental Imagery," with Jerry C. Olson and William T. Ross, targeted for the *Journal of the Academy of Marketing Science*.

"Involved With What? Finding The Locus of Consumer Involvement," with Jerry C. Olson, targeted for the *Journal of Consumer Research*.

"Mapping Consumers' Mental Models across Levels of Involvement," with William T. Ross and Jerry C. Olson, targeted for the *Journal of Marketing*.

**INVITED RESEARCH
PRESENTATIONS**

"Branding in the Channel: Building B2B Brands" (2010), AgReserves Strategic Seminar, Salt Lake City, Utah, July.

"An Empirical and Consumer Psychology Analysis of Trademark Distinctiveness," (2009), with Thomas R. Lee & Eric D. DeRosia, Intellectual Property Scholars Conference [plenary session]. New York, New York, June.

"The Power of Branding," (2008), Economic Self-Reliance Conference, Provo, Utah, November.

"The Financial Aspects of Marketing Management," (2008), Marketing Management Association Conference, Chicago, Illinois, March.

"Internet Surveys and Intellectual Property Litigation," (2007), Presented to the Utah Bar Association, Intellectual Property Section, Salt Lake City, Utah, September.

**CONFERENCE
PRESENTATIONS**

Rejected, Shackled, and Alone: The Experience of Systemic Restricted Consumer Choice among Minority Entrepreneur Consumers," (2011) with Sterling A. Bone and Jerome D. Williams, Asia-Pacific Association for Consumer Research, July, Beijing, China

"Transformative Consumer Research Roundable" (2011), Asia-Pacific Association for Consumer Research, July, Beijing, China

"When Consumer Well-Being Meets Small Business Ownership: Transforming Financial Service Systems to Eradicate Disparate Treatment and Discrimination," (2010), with Sterling A. Bone & Jerome D. Williams, Association for Consumer Research, Jacksonville, FL, October. Curriculum

"When Consumer Well-Being Meets Small Business Ownership: Transforming Financial Service Systems to Eradicate Disparate Treatment and Discrimination," (2010), with Sterling A. Bone & Jerome D. Williams, Macromarketing Conference, Laramie, WY, June.

"Unintended Consequences: How Brand Extensions Make Brands More Vulnerable to Consumer Confusion," (2010), with Eric D. DeRosia & Thomas R. Lee, American Marketing Association Winter Marketing Educators' Conference. New Orleans, Louisiana, February.

"Analyzing the Response of Minority Small Business Entrepreneurs to Marketplace Discrimination," (2009), with Jerome D. Williams & Sterling A. Bone, Cross Cultural Research Conference, Puerto Vallarta, Mexico, December.

"An Empirical and Consumer Psychology Analysis of Trademark Distinctiveness," (2009), with Thomas R. Lee & Eric D. DeRosia, Intellectual Property Scholars Conference [plenary session]. New York, New York, June.

"The Plight and Pilgrimage of Minority Small Business Entrepreneurs: Exploring the Experience of Vulnerable Populations with ZMET," (2009), with Sterling A. Bone & Elise Briggs, 2009 Public Policy and Marketing Conference, Washington D.C., June.

- "Best Practices in Marketing Pedagogy," (2009), Marketing Management Association Conference, Chicago, Illinois, March.
- "Capitalizing on Customer Feedback: New Paradigms and Strategic Imperatives," (2008), with Torsten Ringberg, AMA Winter Educators Conference, San Diego, California, February.
- "Trademarks and the Reasonably Prudent Buyer: A Theoretical and Empirical Analysis of Consumer Sophistication," (2008), with Thomas R. Lee & Eric D. DeRosia, International Trademark Association Learned Professors Trademark Symposium. New York, New York, January.
- "Improving Graduate Business Education: Three Keys for Creating Peak Learning Experiences," (2008), with David B. Whitlark, Marketing Educators' Association Conference, Salt Lake City, Utah, April.
- "The Financial Aspects of Marketing Management," (2008), Marketing Management Association Conference, Chicago, Illinois, March.
- "The Power of Branding," (2008), Economic Self-Reliance Conference, Provo, Utah, Nov.
- "Consumer Protection Regulations and the Vulnerability of Small Entrepreneurial Business Bank Customers: A Qualitative Investigation," (2007), with Sterling Bone, Public Policy and Marketing Conference, Washington D. C., June.
- "The Stonewall Metaphor: Making an Impact with Transformative Consumer Research," (2006), with Eric D. DeRosia, Association for Consumer Research Conference, Orlando, Florida, October.
- "Hierarchicality in Consumption Visions: Imagic Anticipation and Dynamics Within the Goal Structure," (2005), with Jerry C. Olson & William T. Ross, European Association for Consumer Research Conference, Goteborg, Sweden, June, Competitive paper.
- "Balance in the (Re)making: A Deep Metaphor Analysis Of Consumer Recovery Expectations," (2005), with Torsten Ringberg, European Association for Consumer Research Conference, Goteborg, Sweden, June, Competitive paper.
- Presenter and Participant at the Association for Consumer Research (ACR)/Marketing Science Institute (MSI) Qualitative Data Analysis Workshop (2005), Omaha, Nebraska, May.
- "Why Consumption Vision? Understanding Consumer Value in Anticipatory Consumption Imaging," (2003), with Jerry C. Olson & William T. Ross, Association for Consumer Research Conference, Atlanta, GA, October, Competitive paper.
- "The Phenomenology of a Goal: Consumption Visions across Consumer Behavior," (2003), Jerry C. Olson & William T. Ross, European Association for Consumer Research Conference, Dublin, Ireland, June, Competitive paper.
- "Three Orientations Toward Expectations of Service Recovery," (2002), with Torsten Ringberg, Association for Consumer Research Conference, Atlanta, GA, October, Competitive Paper.

“Involved with What? The Impact of Goal Heterogeneity on High Enduring Involvement,” (2000), with Jerry C. Olson, Association for Consumer Research Conference, Salt Lake City, Utah, October. (Nicosia Award winner for best paper)

Presenter at the 30th Albert Haring Symposium (2000), Indiana University, March.

“The Remarkable Impact of Service Recovery,” (1999), with Peter B. Everett, Frontiers in Services Conference, Vanderbilt University, Nashville, Tennessee, October.

SELECTED PROFESSIONAL EXPERIENCE

Expert Witness 2005-Present

Trademark Infringement Litigation—Expert to Likelihood of Consumer Confusion

- ◆ Conducted Likelihood of Confusion Surveys for clients including General Motors, Volkswagen, & Ameritrade in support of Lanham Act litigation.

Consulting 1997-2004

Research Associate, Olson, Zaltman and Associates (Boston, MA and State College, PA)

- ◆ Trained consumer researchers at Proctor & Gamble in the use of the Zaltman Metaphor Elicitation Technique (ZMET).
- ◆ Analyzed ZMET data on several projects for clients such as Disney, Johnson & Johnson, Motorola, Proctor and Gamble, General Mills, and McNeal Corp.

TEACHING INTERESTS

Marketing Strategy, Brand Management, Consumer Behavior, Marketing Management, Services Marketing

TEACHING EXPERIENCE

Marketing Management (M.B.A. 550) 2009-Present

- ◆ Taught multiple sections of this case-based, core MBA course. Employed rigorous semester projects and interactive learning experiences in the classroom to give theoretical constructs life and impact.

Brand Management (M.B.A. 657) 2008-Present

- ◆ Taught multiple section of this case-based MBA course. Employed applied class projects for a client to give relevance and application to theoretical ideas and course concepts. Student ratings = 6.9 - 7.6 range on an 8-point scale.

Marketing Strategy (Business Management 459) 2006-Present

- ◆ Taught multiple sections of this case-based, senior-level capstone marketing strategy course. Employed the StratSim Marketing simulation to imbue the course with application and relevance. Student ratings = 7.4 – 7.9 range, 7.7 average on an 8-point scale.

Marketing Management (Business Management 341) 2003-2005

- ◆ Taught nine sections of this survey course in marketing management. Employed both PharmaSim and StratSim Marketing simulations to imbue the course with application and relevance. Student ratings = 7.2 average on an 8-point scale.

Marketing Management for non-business majors (Business Management 340) 2003-2004

- ◆ Taught multiple sections of this introductory course in marketing geared for non-business majors. Student ratings = 6.8 average on an 8-point scale.

Marketing Management Policies and Programs (Marketing 450w) 2000-2002

- ◆ Taught multiple sections of this writing-intensive, senior capstone course in marketing strategy. The course is case-study based and integrates the StratSim marketing simulation game. Student ratings = 6.6 average on a 7-point scale.

Marketing Management (Bus M 341) & Marketing Strategy (Bus M 459) Summer 2000

- ◆ Taught these two sections as a visiting instructor in the Marriott School. Student ratings = 6.4 and 6.0 respectively on 7-point scales.

Buyer Behavior (Marketing 330)

1999

- ◆ Taught multiple sections of this consumer behavior course. Focused on consumer behavior as it informs effective marketing strategy. Employed AutoSim, a computer simulation of the small car market. Student ratings = 6.5 average on 7-point scale.

Contemporary American Marketing (Marketing 221)

1998

- ◆ Introductory course in marketing. Student ratings = 6.4 average on 7-point scale.

**EDITORIAL
SERVICE**

Ad Hoc Journal Reviewer: **Journal of the Academy of Marketing Science**
Psychology and Marketing
Journal of Consumer Affairs

Competitive Paper Reviewer, **Association for Consumer Research**
European Association for Consumer Research
American Marketing Association

**PROFESSIONAL
MEMBERSHIPS**

- ◆ Association for Consumer Research (ACR)
- ◆ American Marketing Association (AMA)
- ◆ International Trademark Association (INTA)

EXHIBIT B

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 2,366,850

United States Patent and Trademark Office

Registered July 11, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECTPR

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: MARKETING AND MARKET RESEARCH
AND CONSULTING SERVICES; PUBLIC AND
MEDIA RELATIONS SERVICES AND SALES PROMOTION
SERVICES, IN CLASS 35 (U.S. CLS. 100,
101 AND 102).

FIRST USE 2-0-2000; IN COMMERCE 2-0-2000.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT
TO USE "PUBLIC RELATIONS", APART FROM THE
MARK AS SHOWN.

SN 75-456,494, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 2,373,504

United States Patent and Trademark Office

Registered Aug. 1, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT PUBLIC RELATIONS

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: MARKETING AND MARKET RESEARCH
AND CONSULTING SERVICES; PUBLIC AND
MEDIA RELATIONS SERVICES AND SALES PROMOTION
SERVICES, IN CLASS 35 (U.S. CLS. 100,
101 AND 102).

FIRST USE 5-0-1998; IN COMMERCE 5-0-1998.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT
TO USE "PUBLIC RELATIONS", APART FROM THE
MARK AS SHOWN.

SN 75-456,519, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

Reg. No. 2,365,074

United States Patent and Trademark Office

Registered July 4, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECTPR

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: COMMUNICATIONS SERVICES, NAMELY,
DELIVERY OF MESSAGES BY ELECTRONIC

TRANSMISSION, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 2-0-2000; IN COMMERCE 2-0-2000.

SN 75-456,495, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

Reg. No. 2,383,778

United States Patent and Trademark Office

Registered Sep. 5, 2000

SERVICE MARK
PRINCIPAL REGISTER

CONNECT PUBLIC RELATIONS

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: COMMUNICATIONS SERVICES, NAMELY,
DELIVERY OF MESSAGES BY ELECTRONIC
TRANSMISSION, IN CLASS 38 (U.S. CLS. 100, 101
AND 104).

FIRST USE 5-0-1999; IN COMMERCE 5-0-1999.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT
TO USE "PUBLIC RELATIONS", APART FROM THE
MARK AS SHOWN.

SN 75-456,520, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,383,777

United States Patent and Trademark Office

Registered Sep. 5, 2000

**TRADEMARK
PRINCIPAL REGISTER**

CONNECTPR

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: PRERECORDED AUDIO RECORDINGS, PRERECORDED VIDEO RECORDINGS, AND PRERECORDED AUDIO-VISUAL RECORDINGS FEATURING TOPICS IN THE FIELDS OF MARKETING AND MARKET RESEARCH AND CONSULTING SERVICES, PUBLIC AND MEDIA RELATIONS SERVICES AND SALES PROMOTION SERVICES; ELECTRONIC PUBLICATIONS FEATURING TOPICS IN THE FIELDS OF MARKETING AND

MARKET RESEARCH AND CONSULTING SERVICES, PUBLIC AND MEDIA RELATIONS SERVICES AND SALES PROMOTION SERVICES ON COMPUTER DISCS AND CD-ROMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-0-2000; IN COMMERCE 3-0-2000.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUBLIC RELATIONS", APART FROM THE MARK AS SHOWN.

SN 75-456,498, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,373,505

United States Patent and Trademark Office

Registered Aug. 1, 2000

**TRADEMARK
PRINCIPAL REGISTER**

CONNECT PUBLIC RELATIONS

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: PRERECORDED AUDIO RECORDINGS, PRERECORDED VIDEO RECORDINGS, AND PRERECORDED AUDIO-VISUAL RECORDINGS FEATURING TOPICS IN THE FIELDS OF MARKETING AND MARKET RESEARCH AND CONSULTING SERVICES, PUBLIC AND MEDIA RELATIONS SERVICES AND SALES PROMOTION SERVICES; ELECTRONIC PUBLICATIONS FEATURING TOPICS IN THE FIELDS OF MARKETING AND

MARKET RESEARCH AND CONSULTING SERVICES, PUBLIC AND MEDIA RELATIONS SERVICES AND SALES PROMOTION SERVICES ON COMPUTER DISCS AND CD-ROMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-0-1998; IN COMMERCE 7-0-1998.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUBLIC RELATIONS", APART FROM THE MARK AS SHOWN.

SN 75-456,523, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,713,692

United States Patent and Trademark Office

Registered May 6, 2003

TRADEMARK
PRINCIPAL REGISTER

CONNECTPR

CONNECT PUBLIC RELATIONS, INC. (UTAH
CORPORATION)
80 EAST 300 NORTH
PROVO, UT 84606

ERATION, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37,
38 AND 50).

FIRST USE 9-0-2002; IN COMMERCE 9-0-2002.

FOR: PRINTED PUBLICATIONS, NAMELY, RE-
PORTS, PRESS KITS AND BROCHURES IN THE
FIELDS OF MARKET RESEARCH AND CONSULT-
ING, PUBLIC AND MEDIA RELATIONS, SALES
PROMOTION, STRATEGIC MARKETING PLAN-
NING, DEVELOPMENT OF MARKET POSITION-
ING AND MESSAGING, BACKGROUND
EDITORIAL SUPPORT OF SALES PROMOTION
MATERIAL, AND SEMINAR CREATION AND OP-

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PUBLIC RELATIONS", APART
FROM THE MARK AS SHOWN.

SN 75-456,497, FILED 3-25-1998.

INGA ERVIN, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,362,916

United States Patent and Trademark Office

Registered June 27, 2000

**TRADEMARK
PRINCIPAL REGISTER**

CONNECT PUBLIC RELATIONS

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: PRINTED PUBLICATIONS, NAMELY, REPORTS, PRESS KITS AND BROCHURES IN THE FIELDS OF MARKET RESEARCH AND CONSULTING, PUBLIC AND MEDIA RELATIONS, SALES PROMOTION, STRATEGIC MARKETING PLANNING, DEVELOPMENT OF MARKET POSITIONING AND MESSAGING, BACKGROUND EDI-

TORIAL SUPPORT OF SALES PROMOTION MATERIAL, AND SEMINAR CREATION AND OPERATION, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 6-0-1998; IN COMMERCE 6-0-1998.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUBLIC RELATIONS", APART FROM THE MARK AS SHOWN.

SN 75-456,522, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 3,330,353

United States Patent and Trademark Office

Registered Nov. 6, 2007

TRADEMARK
PRINCIPAL REGISTER

CONNECTPR

CONNECT PUBLIC RELATIONS, INC. (UTAH
CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

MOTION MATERIALS, AND SEMINAR CREATION
AND OPERATION, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23,
29, 37, 38 AND 50).

FOR: PRINTED PUBLICATIONS, NAMELY, RE-
PORTS, BROCHURES AND PRESS KITS COM-
PRISED OF BROCHURES, FLYERS, AND PRESS
RELEASES. IN THE FIELDS OF MARKET RE-
SEARCH AND CONSULTING, PUBLIC AND MED-
IA RELATIONS, SALES PROMOTION, STRATEGIC
MARKETING PLANNING, DEVELOPMENT OF
MARKET POSITIONING AND MESSAGING, BACK-
GROUND EDITORIAL SUPPORT OF SALES PRO-

FIRST USE 1-0-2006; IN COMMERCE 1-0-2006.

OWNER OF U.S. REG. NOS. 2,365,074, 2,366,850,
AND 2,383,777.

SN 78-169,520, FILED 9-30-2002.

CAROLINE WOOD, EXAMINING ATTORNEY

EXHIBIT C



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CONNECT

Word Mark CONNECT**Goods and Services**

IC 009. US 021 023 026 036 038. G & S: audio recordings featuring music; video recordings featuring music; downloadable audio and video recordings featuring music; prerecorded music on CD, DVD and other media

IC 035. US 100 101 102. G & S: Business marketing services in the nature of agency representation of companies marketing a variety of services to home owners and renters, namely, utility hook-ups, telecommunication services, home security services, home warranties, home and yard maintenance, furniture and appliance rental; comparative marketing and advertising services for providers of residential and business telecommunications services, namely, for providers of broadband cable, DSL, fiber-optic and satellite Internet access services, cable and satellite television, voice over IP, and long-distance telephone services; operation of telephone call centers for others; marketing of high speed telephone, Internet, and wireless access, and directing consumers to access providers; providing an online directory information service featuring information regarding, and in the nature of, classifieds; advertising and information distribution services, namely, providing classified advertising space via the global computer network; promoting the goods and services of others over the Internet; providing online computer databases and on-line searchable databases featuring classified listings and want ads; online business networking services; providing telephone directory information via global communications networks; providing an online interactive website obtaining users comments concerning business organizations, service providers, and other resources; providing information, namely, compilations, rankings, ratings, reviews, referrals and recommendations relating to business organizations, service providers, and other resources using a global computer network; providing telephone directory information via global communications networks; arranging for others the initiation and termination of telecommunication services and utility services in the nature of water, gas and electricity and consultation rendered in connection therewith

IC 038. US 100 101 104. G & S: providing online chat rooms for registered users for transmission of messages concerning classifieds, virtual community and social networking; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest;

providing email and instant messaging services

IC 042. US 100 101. G & S: computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; computer software development; application service provider (ASP) featuring software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information over the Internet or other communications network; providing temporary use of non-downloadable software applications for classifieds, virtual community, social networking, photo sharing, video sharing, and transmission of photographic images; computer services, namely, hosting online web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions; computer services in the nature of customized web pages featuring user-defined information, personal profiles and information

IC 045. US 100 101. G & S: on-line social networking services; internet based dating, introduction and social networking services

**Standard
Characters
Claimed**

Mark

Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77714693

Filing Date April 15, 2009

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition March 2, 2010

Owner (APPLICANT) Digitalmojo, Inc. CORPORATION CALIFORNIA 8344 Clairemont Mesa Blvd., Suite 100 San Diego CALIFORNIA 92111

Attorney of Record Thomas W. Cook

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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EXHIBIT D

Section 1: Executive Summary



*And yet, from the ashes
of the dot com bust
appears a Phoenix:
Broadband.*

The economy is in a slump. Capital expenditures are flat. High tech companies are suffering. And yet, from the ashes of the dot com bust there appears a Phoenix: *Broadband*. In a recent column, Forbes publisher Rich Karlgaard commented on this trend:

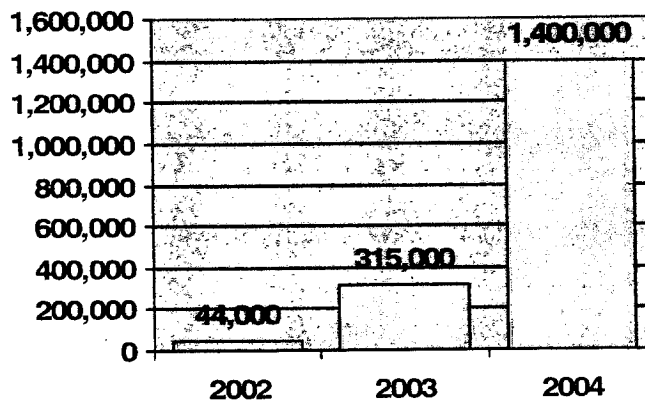
With little fanfare the Internet had a great year, a rebirth of sorts, in 2002. Broadband access to U.S. homes grew 56 percent. Wi-Fi networks broke out everywhere. Yahoo and Amazon turned the corner to consistent profitability. Ebay continued to rock.

There are many ways to deliver broadband to homes and businesses: ISDN, DSL, Ethernet, Fixed Wireless, and a host of other solutions. But none provides the combined benefits of fiber. Fiber boasts very high transmission speeds, high capacity, and (with recent improvements) reasonable costs.

It is no surprise, then, that analysts predict explosive growth for "fiber to the home" (FTTH). According to the FTTH Council, Fiber to the Home is poised growing at a decidedly non-recessionary 440 percent AGR over the next few years.

UTOPIA's mission is an important one. Left entirely to the private sector, the communities UTOPIA serves would most likely be slow to realize the benefits this broadband revolution will bring. By providing the infrastructure, UTOPIA can jumpstart the broadband revolution in Utah.

FTTH Homes Passed



Source: FTTH Council, 1/2003

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From a communications standpoint, we feel UTOPIA must achieve three goals to ensure their success:

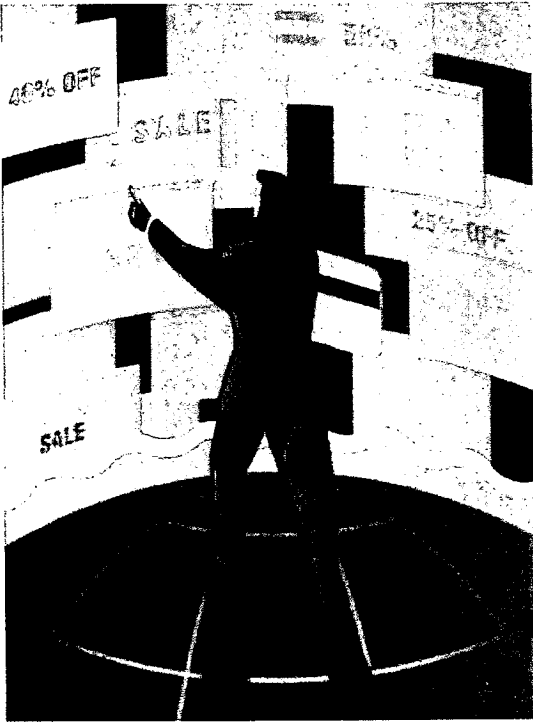
- EDUCATION: Before the community can *believe* in UTOPIA's vision, they must *understand* it. We propose a series of activities to educate your constituency about the MetroNet.
- PERSUASION: Understanding is not necessarily believing. Our second goal is to convince the community that the MetroNet is the best approach.
- PROGRESS: The first steps (education and persuasion) build trust. To keep this trust UTOPIA must show continual progress.

The rest of this document provides the details about how we propose to realize these three goals. But why should UTOPIA select Connect Public Relations?

- MARKET UNDERSTANDING: Connect Public Relations has provided communication services to every corner of the networking industry (both telecom and data) for the last 14 years. Some of our clients have been large (Seimens, Symantec and Sun), while others have been small (F5 Networks, Occam Networks). But all have benefited from our deep understanding of the market.
- TRACK RECORD: Connect Public Relations is the largest PR firm in Utah. We obtain more than 800 stories per month for our clients. We meet with hundreds of analysts and media each month. In short, *we get results*.
- THINK GLOBAL, ACT LOCAL: Connect Public Relations is a large firm, with a long history in your market. We have worked for more than 150 different firms around the world. Yet we are a local firm, headquartered in Provo, Utah. With Connect UTOPIA gets the advantage of a national-level firm combined with the ease of working with a local agency.

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Section 2: Project Goals



As discussed in the previous section, we propose three high level goals for the UTOPIA communications effort:

- Education
- Persuasion
- Demonstration of Progress

The first two goals, education and persuasion, are difficult. You will be asking people to form new opinions or, in some cases, change their opinion. This is hard work. The final goal, demonstration of progress, is substantially easier.

Further complicating the process is the wide range of audiences we need to communicate with:

- Governing board
- Current (and prospective) member communities
- Industry infrastructure:
 - FTTH/FTTB national community*
 - Service providers*
 - Vendors*
 - Suppliers*
- General public
 - Business*
 - Consumer*

We have designed a mix of tactics to reach these broad constituencies and achieve our three goals. Each tactic is described in the pages that follow.

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Communication Plan & Strategy

This proposal lays out our strategy and tactics in broad strokes. The first task we will accomplish if we are selected will be to prepare a detailed communications plan and strategy. Among the items we will detail in this document are:

- Target audiences
- Core messages
- Brand messages and personality
- Schedule of activities
- Goals & targets
- Measurement metrics

Public Relations Activities

We feel public relations provides the broadest reach for the least amount of money. Furthermore, because of the perceived independence of the press, public relations has more impact on your audience.

The public relations activities we propose include:

- Assembling a target analyst and media list
- Building a full editorial calendar
- Creating a full media kit, including:
 - UTOPIA backgrounder
 - Architectural blueprint document
 - A series of "What's in it for me" papers targeted to:
 - Communities
 - Infrastructure players
 - Public at large
 - Press releases
- Writing contributed articles which we will place in various media outlets under UTOPIA bylines
- Finding and securing speaking engagements for UTOPIA spokespeople
- Securing and managing in-person press meetings for UTOPIA spokespeople
- Securing ad-hoc media coverage for UTOPIA

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Newsletter

Newsletters provide an excellent tool to teach, persuade and inform your audiences. Consequently, they help us achieve all three goals. We propose using two forms of newsletters: Hardcopy and electronic. As part of this activity we will:

- Design the newsletter templates
- Create content for the newsletter
- Produce the newsletters on a regular schedule:
 - Monthly for the electronic version
 - Quarterly for the hardcopy version

We can manage the printing process if UTOPIA so desires.

Web Site

UTOPIA needs a Web site targeted to their various constituents. Since UTOPIA's constituents include such varied audiences as public agencies, infrastructure players, business and consumer, we feel there should be two distinct Web sites.

We suggest UTOPIA target the first site towards those partners who would help build the network:

- Governing board
- Current (and prospective) member communities
- Infrastructure players

This site would contain content appropriate for these audiences not generally available to the public. The personality of this Web site should be professional, simple and businesslike.

The second site would be UTOPIA's "public face", targeted to business and consumers served by UTOPIA. It would contain content geared towards users, with an accessible, friendly personality.

Connect would provide the following services:

- General design
- Content production
- Web site maintenance

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Presentations

UTOPIA spokespeople will be called upon to make a variety of presentations. Connect can help in the following ways:

- PowerPoint templates
- Presentation creation
- Spokesperson training

Town Hall Meetings

One way to get the word out is holding town meetings in the communities served by UTOPIA. Connect can help by:

- Publicizing these town hall meetings
- Creating direct mail invitations
- Managing the meetings

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Section 3: Pricing



We have presented a very aggressive plan in our proposal. We think it is likely that UTOPIA would select a subset of these activities. We have attached a full 12 month budget in appendix A. We summarize those numbers here.

We have indicated a 10% discount in our pricing. This reflects our opinion that this project will boost Utah's technology sector. As Utah's largest PR firm we stand to benefit from this increase, and thus are happy to offer this pricing consideration. Please note that this is the first discount we have offered in our 14 year history.

Summary of Proposal Costs			
Work Package	Total Estimated Cost	Less pricing considerations	Net proposed amount
<i>Communications plan & strategy</i>	\$6,600	\$660	\$5,940
<i>Public relations activities</i>	\$121,250	\$12,125	\$109,125
<i>Newsletter</i>	\$45,600	\$4,560	\$41,040
<i>Web site</i>	\$41,400	\$4,140	\$37,260
<i>Presentations</i>	\$18,600	\$1,860	\$16,740
<i>Town hall meetings</i>	\$27,300	\$2,730	\$24,570
TOTAL	\$260,750	\$26,075	\$234,675

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Section 4: Qualifications and Experience



To accomplish the goals we have set out for UTOPIA requires a senior, talented team. The team leaders we propose are:

Neil Myers

Neil Myers is founder and president of Connect Public Relations. Myers has been involved with the hi-tech industry for more than 20 years. He started one of the first network utility software firms, Pacific Software, in 1983. After selling Pacific Software in 1989, Myers started Connect PR to provide strategic marketing consulting to such clients as Microsoft, Intel, HP and others.

Myers' focus and commitment to excellence has fueled rapid growth for Connect PR. In 1996, Connect PR (then Network Associates) became the first PR firm ever to be listed on the prestigious Inc. 500 list of fastest growing privately-held companies.

Myers received a BS degree in engineering from the University of California at Berkeley. An avid pilot, he lives in Santa Barbara, Calif., where he enjoys spending time with his family.

Sherri Walkenhorst

As a partner of Connect Public Relations, Sherri Walkenhorst directs public relations processes within the organization and provides strategic counsel to clients. With more than 14 years communications experience, Walkenhorst has counseled companies ranging from market leaders to emerging technology start-ups.

Prior to joining Connect Public Relations in 1991, Walkenhorst served as managing editor and marketing manager for LAN Times and as the marketing manager for a telecommunications company.

With an insider's knowledge of the industry, Walkenhorst's successes include effective launches of new products, companies and services as well as repositioning products in the market place.

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Mike Bradshaw

Mike Bradshaw is one of Connect's most senior members. With 10 years high-tech communications experience, Bradshaw has counseled a wide variety of high-tech companies ranging from market leaders like Sun Microsystems and Symantec to emerging technology start-ups.

Bradshaw specializes in developing communication programs that reach diverse audiences — from business and financial media to industry influencers and vertical market media. He has vast experience building multi-faceted PR programs that include executive visibility, message development, media and analyst relations, product evaluations, corporate profiles, IPOs and acquisitions.

Bradshaw earned his BA in Communications and Marketing from BYU. When he's not in the office, his pastimes include skiing, snowmobiling, or other extreme type activities such as early morning piano practicing with his children.

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Project Participation and Resources

Connect's account teams are structured to ensure maximum accountability and productivity. Our "modified matrix" team approach makes sure every responsibility is fully owned by a specific team member with domain expertise in that area.

Functional Teams				
Editorial Calendar	Case Study	Speaker's bureau	Media Kits	Reporting
Client Team				

As the account team lead, Mike Bradshaw will respond to the day-to-day activities and provide strategic counsel for PR and media efforts for UTOPIA. Neil Myers and Sherri Walkenhorst will provide strategic counsel, including messaging, speaker training and marketing consulting.

Additional team members from our editorial calendar team, writing and design team, and support team will provide the resources needed to support the public relations activities outlined in this proposal.

Track Record and Clients

Connect Public Relations was founded in 1989 and is a privately held company. Owners include Neil Myers, Sherri Walkenhorst and Holly Hagerman.

We have worked for more than 150 different firms around the world.

Connect Public Relations At-A-Glance

Year agency was founded	1989
Number of full-time agency employees	25
Number of offices and their locations	Provo, UT San Francisco, CA
Agency PR billings for the last fiscal year	\$4.5M
Current PR clients	<ul style="list-style-type: none"> • Air2Web • Certain Software • Dilithium Networks • Efficient Networks • F5 Networks • Mobile Automation • Network Instruments • Occam Networks • Optika • Rendition Networks • Siemens ICN • Symantec • Symark • Teriatech

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Section 5: References



Symantec

THE CHALLENGE: Symantec has evolved from a company providing problem-solving tools for individuals to the global leader in Internet security. Our goal was to communicate that message to select media and to deliver results.

STRATEGIES: Communicate Symantec's security expertise through profiles of some of the company's security experts. We created bios and began pitching a "profile of a virus hunter".

Communicate Symantec's vision and strategy for the security marketplace through interviews with John Thompson, chairman, president and CEO of Symantec. Specific outlets were chosen according to influence, reach and specific target markets.

RESULTS

Bloomberg Markets
BusinessWeek online
CNBC Squawk Box
CNET
CNNFN *In the Money*
CRN
Dallas Morning News
Dow Jones
GCN
Government Computer News
Greater Milwaukee Today

Interactive Week
Knight Ridder News Service
Military Information Technology
Newsbytes
PBS Nightly Business Report
Red Herring
San Francisco Chronicle
The New-Times
USA Today
Wall Street Journal

NEXT STEPS: Both campaigns have been highly successful, but we are only in the beginning stages. For the profile series, we are expanding the campaign to include additional security experts. For company profiles, we are now expanding our list of media outlets as well as the executives who will be discussing the company's vision.

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2500 Broadway, Ste 200
Santa Monica, CA 90404
310-449-4258
LCross@symantec.com

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Efficient Networks

Connect Public Relations has represented Efficient Networks (now a division of Siemens) for the last three years. In that time, Efficient has received more press than at any other time in their history. Efficient has received press this year in more than 200 publications, including:

Barron's	InternetWeek
Boston Globe	Investor's Business Daily
Broadband Networking News	ISP Weekly
Broadband Solutions	Los Angeles Times
Broadband Week	Maximum PC
Business Communications Review	Merger & Acquisitions
Business 2.0	Miami Herald
BusinessWeek	Net Economy
BusinessWeek International	Network Computing
Cable World	Network Magazine
Communications News	Network World
ComputerWorld	New York Post
CRN	New York Times
Daily Deal	Orlando Sentinel
Dallas Business Journal	Palm Beach Post
Dallas Morning News	PC Magazine
eWeek	Reuters America, Inc.
Financial Times	San Francisco Chronicle
Forbes	San Jose Mercury News
Forbes Global Business & Finance	Seattle Post-Intelligencer
Fortune	Seattle Times
Global Finance	Sun
Global Telephony	Tele.com Magazine
Globe & Mail	Telecom Business
Government Computer News	Telecommunications Reports
Industry Week	Teleconnect
Information Security	Telephony
Information Week	Toronto Star
InfoWorld	USA Today
Interactive Week	Wall Street Journal
International Herald Tribune	Washington Post

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However, Efficient Networks was faced with serious challenges as the CLEC market has been collapsing around them. They tasked Connect with getting the kind of coverage that would help position Efficient as a leader.

Our strategy was to establish Mark Floyd, president of Efficient Networks, as a visionary in the broadband marketplace. With the broadband industry in turmoil, we wanted Mark to communicate his vision for the future of the market and the promise of new technologies.

Through interviews established with local business media, national business media and trade media, Mark clearly articulated how Efficient is going to drive the adoption of high-speed Internet connections.

Profiles on Mark appeared in Forbes Magazine, The Dallas Morning News, InfoWorld and other high-level publications. The articles were positive for the broadband industry and demonstrated that Mark was keeping a close eye on changing trends in the marketplace.

CONTACT:

Suzanne Crow
1881 Campus Commons Drive
Reston, VA 20191
703-262-2689
Suzanne.crow@icn.siemens.com

TRADE SECRET/COMMERCIALY
SENSITIVE

Optika

Connect Public Relations has represented Optika more than three years. In that time, we have worked to promote Optika as a provider of imaging, workflow and collaboration software for ERP and other line-of business systems.

THE CHALLENGE: Our biggest challenge was the lack of significant product news until the last quarter of 2002 when their product Acorde 3.0 was announced.

STRATEGIES: Our strategy for dealing with this was to couple several smaller announcements to generate more interest with the press and analyst communities.

The PR efforts helped Optika received press last year in more than 115 publications including:

ABA Banking Journal
Air Transport Intelligence
Bank Systems and Tech
Bloomberg
Business Solutions
ChamberBiz.com
Cnet.com
CNNiW
Collections & Credit Risk
ColoradoBiz
Computerworld
Dallas News
DataWarehouse.com
Denver Post
Direct Magazine
DM Review
Document Imaging Report
eAI Journal
eBizQ
Electronic Commerce
FrontRange Tech Biz

IndustryWatch.com
InformationWeek
InfoWorld
IntelligentEnterpriseonline
Internet World
InternetWeek
iSource
ITToolbox
ITWeb
KMWorld
KnightRidder Tribune
Miamitodaynews.com
New Straits Times
Q&A Magazine
Rocky Mountain News
Silicon Valley Business Ink
Software Magazine
The Gazette
Transform Magazine
University Business
Web Services Journal

CONTACT:

Shelly Burwell
7450 Campus Dr., 2nd Floor
Colorado Springs, CO 80920
719-260-4202
sburwell@optika.com

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SENSITIVE

Siemens ICN

THE CHALLENGE: Siemens's customers are some of the most well-known and successful university, government entities and private companies in the world, but they had been unable to showcase this to the media and potential customers in these critical markets.

STRATEGY: Connect was tasked with helping Siemens create a clear message to the media in these markets. After pinpointing several of their customers in the healthcare, education, government and financial industries, Connect executed a successful case study program to promote their successes among key vertical market media.

RESULTS: Siemens ICN is now armed with prominent media coverage in many of their key target markets.

"Our sales teams has noticed a dramatic benefit form the media coverage we have received. Media contacts in these industries now know and understand our technology and how it is being used by customers in their field, says Suzanne Crow, Siemens' Sr. Manager of Public Relations. "And the customers have loved the publicity too because it helps them gain added recognition for their work within their own organizations."

CONTACT:

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703-262-2689
suzanne.crow@icn.siemens.com

TRADE SECRET/COMMERCIALY
SENSITIVE

F5 Networks

Connect Public Relations has represented F5 Networks since their official launch in 1999. In March of 2001, F5 was named to PC Magazine's Internet Business 100 and in August of that same year they were ranked #2 in the Layer-4-7 Switch market. Today F5 has more than 4,000 customers and nearly 500 employees.

The PR efforts resulted in coverage in the following publications:

Bloomberg	Internet World
Business 2.0	Investor's Business Daily
Business Week	MSNBC.com
ComputerWorld	.Net Magazine
Communications News	New Architect
CNET	Network Computing
CNN Money	Network Magazine
CRN	Network World
Dow Jones	PC Magazine
East Side Journal – VARBusiness	Puget Sound Business Journal
Enterprise Systems Journal	Seattle Post- Intelligencer
eWeek	Seattle Times
Forbes	TechRepublic.com
Government Computer News	The451.com
Information Week	Wall Street & Technology
InfoWorld	Washington CEO
Interactive Week	Web Services Journal
InternetWeek	

CONTACT:

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206-272-6850
amoran@f5.com

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SENSITIVE

Section 6: Appendices

Appendix A: Pricing Details



TRADE SECRET/COMMERCIALY
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CONNECT PUBLIC RELATIONS

UTOPIA PROPOSAL

CPR 001202

EXHIBIT 3

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,362,916

United States Patent and Trademark Office

Registered June 27, 2000

**TRADEMARK
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CONNECT PUBLIC RELATIONS

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: PRINTED PUBLICATIONS, NAMELY, REPORTS, PRESS KITS AND BROCHURES IN THE FIELDS OF MARKET RESEARCH AND CONSULTING, PUBLIC AND MEDIA RELATIONS, SALES PROMOTION, STRATEGIC MARKETING PLANNING, DEVELOPMENT OF MARKET POSITIONING AND MESSAGING, BACKGROUND EDI-

TORIAL SUPPORT OF SALES PROMOTION MATERIAL, AND SEMINAR CREATION AND OPERATION, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 6-0-1998; IN COMMERCE 6-0-1998.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUBLIC RELATIONS", APART FROM THE MARK AS SHOWN.

SN 75-456,522, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-09-13 13:14:22 ET

Serial Number: 75456522 Assignment Information Trademark Document Retrieval

Registration Number: 2362916

Mark (words only): CONNECT PUBLIC RELATIONS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2010-06-29

Filing Date: 1998-03-25

Transformed into a National Application: No

Registration Date: 2000-06-27

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2010-06-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CONNECT PUBLIC RELATIONS, INC.

Address:

CONNECT PUBLIC RELATIONS, INC.

80 EAST 100 NORTH

PROVO, UT 84606

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Utah

GOODS AND/OR SERVICES

CPR002699

International Class: 016

Class Status: Active

Printed publications, namely, reports, press kits and brochures in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion material, and seminar creation and operation

Basis: 1(a)

First Use Date: 1998-06-00

First Use in Commerce Date: 1998-06-00

ADDITIONAL INFORMATION

Disclaimer: "PUBLIC RELATIONS"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-06-29 - First renewal 10 year

2010-06-29 - Section 8 (10-year) accepted/ Section 9 granted

2010-06-28 - TEAS Section 8 & 9 Received

2006-09-12 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-09-12 - Assigned To Paralegal

2006-06-27 - Section 8 (6-year) and Section 15 Filed

2006-06-27 - TEAS Section 8 & 15 Received

2006-03-17 - Case File In TIGRS

2000-06-27 - Registered - Principal Register

2000-05-01 - Allowed for Registration - Principal Register (SOU accepted)

2000-04-27 - Assigned To Examiner

2000-04-24 - Statement Of Use Processing Complete

2000-03-24 - Use Amendment Filed

CPR002700

1999-10-12 - NOA Mailed - SOU Required From Applicant

1999-07-20 - Published for opposition

1999-06-18 - Notice of publication

1999-03-23 - Approved For Pub - Principal Register

1999-03-03 - Communication received from applicant

1998-08-27 - Non-final action mailed

1998-08-20 - Assigned To Examiner

1998-08-19 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

KARL R CANNON

Correspondent

KARL R CANNON

CLAYTON, HOWARTH & CANNON, P.C.

P.O. BOX 1909

SANDY UT 84091

Phone Number: 801-255-5335

Fax Number: 801-255-5338

CPR002701

EXHIBIT 4

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 2,373,504

United States Patent and Trademark Office

Registered Aug. 1, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT PUBLIC RELATIONS

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: MARKETING AND MARKET RESEARCH
AND CONSULTING SERVICES; PUBLIC AND
MEDIA RELATIONS SERVICES AND SALES PROMOTION
SERVICES, IN CLASS 35 (U.S. CLS. 100,
101 AND 102).

FIRST USE 5-0-1998; IN COMMERCE 5-0-1998.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT
TO USE "PUBLIC RELATIONS", APART FROM THE
MARK AS SHOWN.

SN 75-456,519, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-09-13 13:13:25 ET

Serial Number: 75456519 Assignment Information Trademark Document Retrieval

Registration Number: 2373504

Mark (words only): CONNECT PUBLIC RELATIONS

Standard Character claim: No

Current Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Date of Status: 2011-08-29

Filing Date: 1998-03-25

Transformed into a National Application: No

Registration Date: 2000-08-01

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2010-08-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CONNECT PUBLIC RELATIONS, INC.

Address:

CONNECT PUBLIC RELATIONS, INC.
80 EAST 100 NORTH
PROVO, UT 84606
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Utah

GOODS AND/OR SERVICES

CPR002690

International Class: 035

Class Status: Active

Marketing and market research and consulting services; public and media relations services and sales promotion services

Basis: 1(a)

First Use Date: 1998-05-00

First Use in Commerce Date: 1998-05-00

ADDITIONAL INFORMATION

Disclaimer: "PUBLIC RELATIONS"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-08-29 - Cancellation Instituted No. 999999

2010-08-04 - First renewal 10 year

2010-08-04 - Section 8 (10-year) accepted/ Section 9 granted

2010-08-02 - TEAS Section 8 & 9 Received

2006-09-30 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-09-27 - Assigned To Paralegal

2006-08-01 - Section 8 (6-year) and Section 15 Filed

2006-08-01 - TEAS Section 8 & 15 Received

2006-03-09 - Case File In TCRS

2000-08-01 - Registered - Principal Register

2000-05-24 - Allowed for Registration - Principal Register (SOU accepted)

2000-05-22 - Assigned To Examiner

2000-05-17 - Statement Of Use Processing Complete

CPR002691

2000-03-24 - Use Amendment Filed
1999-12-14 - NOA Mailed - SOU Required From Applicant
1999-09-21 - Published for opposition
1999-08-20 - Notice of publication
1999-04-07 - Approved For Pub - Principal Register
1999-03-03 - Communication received from applicant
1998-08-27 - Non-final action mailed
1998-08-20 - Assigned To Examiner
1998-08-19 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
KARL R CANNON

Correspondent
CONNECT PUBLIC RELATIONS INC
80 EAST 100 NORTH
PROVO, UT 84606
Phone Number: 801-255-5335
Fax Number: 801-255-5338

CPR002692

EXHIBIT 5

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,373,505

United States Patent and Trademark Office

Registered Aug. 1, 2000

**TRADEMARK
PRINCIPAL REGISTER**

CONNECT PUBLIC RELATIONS

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: PRERECORDED AUDIO RECORDINGS, PRERECORDED VIDEO RECORDINGS, AND PRERECORDED AUDIO-VISUAL RECORDINGS FEATURING TOPICS IN THE FIELDS OF MARKETING AND MARKET RESEARCH AND CONSULTING SERVICES, PUBLIC AND MEDIA RELATIONS SERVICES AND SALES PROMOTION SERVICES; ELECTRONIC PUBLICATIONS FEATURING TOPICS IN THE FIELDS OF MARKETING AND

MARKET RESEARCH AND CONSULTING SERVICES, PUBLIC AND MEDIA RELATIONS SERVICES AND SALES PROMOTION SERVICES ON COMPUTER DISCS AND CD-ROMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-0-1998; IN COMMERCE 7-0-1998.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUBLIC RELATIONS", APART FROM THE MARK AS SHOWN.

SN 75-456,523, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-09-13 13:13:12 ET

Serial Number: 75456523 Assignment Information Trademark Document Retrieval

Registration Number: 2373505

Mark (words only): CONNECT PUBLIC RELATIONS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2010-08-04

Filing Date: 1998-03-25

Transformed into a National Application: No

Registration Date: 2000-08-01

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2010-08-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CONNECT PUBLIC RELATIONS, INC.

Address:

CONNECT PUBLIC RELATIONS, INC.
80 EAST 100 NORTH
PROVO, UT 84606
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Utah

GOODS AND/OR SERVICES

CPR002687

International Class: 009

Class Status: Active

Prerecorded audio recordings, prerecorded video recordings, and prerecorded audio-visual recordings featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services; electronic publications featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services on computer discs and CD-ROMs

Basis: 1(a)

First Use Date: 1998-07-00

First Use in Commerce Date: 1998-07-00

ADDITIONAL INFORMATION

Disclaimer: "PUBLIC RELATIONS"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-08-04 - First renewal 10 year

2010-08-04 - Section 8 (10-year) accepted/ Section 9 granted

2010-08-02 - TEAS Section 8 & 9 Received

2006-09-30 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-09-27 - Assigned To Paralegal

2006-08-01 - Section 8 (6-year) and Section 15 Filed

2006-08-01 - TEAS Section 8 & 15 Received

2006-03-09 - Case File In TICS

2000-08-01 - Registered - Principal Register

2000-05-24 - Allowed for Registration - Principal Register (SOU accepted)

2000-05-22 - Assigned To Examiner

2000-05-15 - Statement Of Use Processing Complete

CPR002688

2000-05-15 - Extension 1 granted
2000-03-24 - Use Amendment Filed
2000-03-24 - Extension 1 filed
1999-09-28 - NOA Mailed - SOU Required From Applicant
1999-07-06 - Published for opposition
1999-06-04 - Notice of publication
1999-03-23 - Approved For Pub - Principal Register
1999-03-03 - Communication received from applicant
1998-12-07 - Non-final action mailed
1998-11-30 - Assigned To Examiner
1998-11-17 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

KARL R CANNON

Correspondent

KARL R CANNON

CLAYTON HOWARTH & CANNON PC

PO BOX 1909

SANDY UT 84091

Phone Number: 801-255-5335

Fax Number: 801-255-5338

CPR002689

EXHIBIT 6

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

Reg. No. 2,383,778

United States Patent and Trademark Office

Registered Sep. 5, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECT PUBLIC RELATIONS

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: COMMUNICATIONS SERVICES, NAMELY,
DELIVERY OF MESSAGES BY ELECTRONIC
TRANSMISSION, IN CLASS 38 (U.S. CLS. 100, 101
AND 104).

FIRST USE 5-0-1999; IN COMMERCE 5-0-1999.
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT
TO USE "PUBLIC RELATIONS", APART FROM THE
MARK AS SHOWN.

SN 75-456,520, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-09-13 13:12:51 ET

Serial Number: 75456520 Assignment Information . Trademark Document Retrieval

Registration Number: 2383778

Mark (words only): CONNECT PUBLIC RELATIONS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2010-09-11

Filing Date: 1998-03-25

Transformed into a National Application: No

Registration Date: 2000-09-05

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2010-09-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CONNECT PUBLIC RELATIONS, INC.

Address:

CONNECT PUBLIC RELATIONS, INC.

80 EAST 100 NORTH

PROVO, UT 84606

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Utah

GOODS AND/OR SERVICES

CPR002684

International Class: 038

Class Status: Active

Communications services, namely, delivery of messages by electronic transmission

Basis: 1(a)

First Use Date: 1999-05-00

First Use in Commerce Date: 1999-05-00

ADDITIONAL INFORMATION

Disclaimer: "PUBLIC RELATIONS"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-09-11 - First renewal 10 year

2010-09-11 - Section 8 (10-year) accepted/ Section 9 granted

2010-09-07 - TEAS Section 8 & 9 Received

2007-04-28 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-03-05 - Section 8 (6-year) and Section 15 Filed

2007-03-05 - TEAS Section 8 & 15 Received

2006-02-13 - Case File In TIGRS

2000-09-05 - Registered - Principal Register

2000-06-03 - Allowed for Registration - Principal Register (SOU accepted)

2000-05-25 - Assigned To Examiner

2000-05-23 - Statement Of Use Processing Complete

2000-03-24 - Use Amendment Filed

1999-11-23 - NOA Mailed - SOU Required From Applicant

1999-08-31 - Published for opposition

CPR002685

1999-07-30 - Notice of publication
1999-05-03 - Approved For Pub - Principal Register
1999-04-28 - Examiner's amendment mailed
1999-03-23 - Non-final action mailed
1999-03-03 - Communication received from applicant
1998-08-27 - Non-final action mailed
1998-08-20 - Assigned To Examiner
1998-08-19 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

KARL R CANNON

Correspondent

KARL R CANNON

CLAYTON, HOWARTH & CANNON, P.C.

P O BOX 1909

SANDY UT 84091-1219

Phone Number: 801-255-5335

Fax Number: 801-255-5338

CPR002686

EXHIBIT 7

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

Reg. No. 2,365,074

United States Patent and Trademark Office

Registered July 4, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECTPR

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: COMMUNICATIONS SERVICES, NAMELY,
DELIVERY OF MESSAGES BY ELECTRONIC

TRANSMISSION, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 2-0-2000; IN COMMERCE 2-0-2000.

SN 75-456,495, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-09-13 13:14:05 ET

Serial Number: 75456495 Assignment Information Trademark Document Retrieval

Registration Number: 2365074

Mark (words only): CONNECTPR

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2010-07-06

Filing Date: 1998-03-25

Transformed into a National Application: No

Registration Date: 2000-07-04

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2010-07-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CONNECT PUBLIC RELATIONS, INC.

Address:

CONNECT PUBLIC RELATIONS, INC.
80 EAST 100 NORTH
PROVO, UT 84606
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Utah

GOODS AND/OR SERVICES

CPR002696

International Class: 038

Class Status: Active

Communications services, namely, delivery of messages by electronic transmission

Basis: 1(a)

First Use Date: 2000-02-00

First Use in Commerce Date: 2000-02-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-07-06 - First renewal 10 year

2010-07-06 - Section 8 (10-year) accepted/ Section 9 granted

2010-07-02 - TEAS Section 8 & 9 Received

2006-10-04 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-10-02 - Assigned To Paralegal

2006-07-05 - Section 8 (6-year) and Section 15 Filed

2006-07-05 - TEAS Section 8 & 15 Received

2006-03-17 - Case File In TIGRS

2000-07-04 - Registered - Principal Register

2000-05-10 - Allowed for Registration - Principal Register (SOU accepted)

2000-05-08 - Assigned To Examiner

2000-05-07 - Statement Of Use Processing Complete

2000-03-24 - Use Amendment Filed

1999-11-23 - NOA Mailed - SOU Required From Applicant

CPR002697

1999-08-31 - Published for opposition
1999-07-30 - Notice of publication
1999-05-03 - Approved For Pub - Principal Register
1999-04-28 - Examiner's amendment mailed
1999-03-23 - Non-final action mailed
1999-03-03 - Communication received from applicant
1998-08-27 - Non-final action mailed
1998-08-18 - Assigned To Examiner
1998-08-18 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

KARL R CANNON

Correspondent

KARL R CANNON

CLAYTON, HOWARTH & CANNON, P.C.

P.O. BOX 1909

SANDY UT 84091

Phone Number: 801-255-5335

Fax Number: 801-255-5338

CPR002698

EXHIBIT 8

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 2,366,850

United States Patent and Trademark Office

Registered July 11, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

CONNECTPR

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: MARKETING AND MARKET RESEARCH
AND CONSULTING SERVICES; PUBLIC AND
MEDIA RELATIONS SERVICES AND SALES PROMOTION SERVICES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-0-2000; IN COMMERCE 2-0-2000.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUBLIC RELATIONS", APART FROM THE MARK AS SHOWN.

SN 75-456,494, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-09-13 13:13:40 ET

Serial Number: 75456494 Assignment Information Trademark Document Retrieval

Registration Number: 2366850

Mark (words only): CONNECTPR

Standard Character claim: No

Current Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Date of Status: 2011-08-23

Filing Date: 1998-03-25

Transformed into a National Application: No

Registration Date: 2000-07-11

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2010-07-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CONNECT PUBLIC RELATIONS, INC.

Address:

CONNECT PUBLIC RELATIONS, INC.

80 EAST 100 NORTH

PROVO, UT 84606

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Utah

GOODS AND/OR SERVICES

CPR002693

International Class: 035

Class Status: Active

Marketing and market research and consulting services; public and media relations services and sales promotion services

Basis: 1(a)

First Use Date: 2000-02-00

First Use in Commerce Date: 2000-02-00

ADDITIONAL INFORMATION

Disclaimer: "PUBLIC RELATIONS"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-08-23 - Cancellation Instituted No. 999999

2010-07-15 - First renewal 10 year

2010-07-15 - Section 8 (10-year) accepted/ Section 9 granted

2010-07-02 - TEAS Section 8 & 9 Received

2007-01-20 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-07-11 - Section 8 (6-year) and Section 15 Filed

2006-07-11 - TEAS Section 8 & 15 Received

2006-03-17 - Case File In TICRS

2000-07-11 - Registered - Principal Register

2000-05-16 - Allowed for Registration - Principal Register (SOU accepted)

2000-05-15 - Assigned To Examiner

2000-05-05 - Statement Of Use Processing Complete

2000-03-24 - Use Amendment Filed

CPR002694

2000-03-24 - Extension 1 filed
1999-10-12 - NOA Mailed - SOU Required From Applicant
1999-07-20 - Published for opposition
1999-06-18 - Notice of publication
1999-03-23 - Approved For Pub - Principal Register
1999-03-03 - Communication received from applicant
1998-08-27 - Non-final action mailed
1998-08-18 - Assigned To Examiner
1998-08-18 - Assigned To Examiner
1998-07-24 - Communication received from applicant

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

KARL R CANNON

Correspondent

CONNECT PUBLIC RELATIONS INC
80 EAST 100 NORTH
PROVO, UT 84606
Phone Number: 801-255-5335
Fax Number: 801-255-5338

CPR002695

EXHIBIT 9

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,383,777

United States Patent and Trademark Office

Registered Sep. 5, 2000

**TRADEMARK
PRINCIPAL REGISTER**

CONNECTPR

CONNECT PUBLIC RELATIONS, INC. (UTAH CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: PRERECORDED AUDIO RECORDINGS, PRERECORDED VIDEO RECORDINGS, AND PRERECORDED AUDIO-VISUAL RECORDINGS FEATURING TOPICS IN THE FIELDS OF MARKETING AND MARKET RESEARCH AND CONSULTING SERVICES, PUBLIC AND MEDIA RELATIONS SERVICES AND SALES PROMOTION SERVICES; ELECTRONIC PUBLICATIONS FEATURING TOPICS IN THE FIELDS OF MARKETING AND

MARKET RESEARCH AND CONSULTING SERVICES, PUBLIC AND MEDIA RELATIONS SERVICES AND SALES PROMOTION SERVICES ON COMPUTER DISCS AND CD-ROMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-0-2000; IN COMMERCE 3-0-2000.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUBLIC RELATIONS", APART FROM THE MARK AS SHOWN.

SN 75-456,498, FILED 3-25-1998.

CRAIG D. TAYLOR, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-09-13 13:12:36 ET

Serial Number: 75456498 Assignment Information Trademark Document Retrieval

Registration Number: 2383777

Mark (words only): CONNECTPR

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2010-09-11

Filing Date: 1998-03-25

Transformed into a National Application: No

Registration Date: 2000-09-05

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2010-09-11

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CONNECT PUBLIC RELATIONS, INC.

Address:

CONNECT PUBLIC RELATIONS, INC.

80 EAST 100 NORTH

PROVO, UT 84606

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Utah

GOODS AND/OR SERVICES

CPR002681

International Class: 009

Class Status: Active

Prerecorded audio recordings, prerecorded video recordings, and prerecorded audio-visual recordings featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services; electronic publications featuring topics in the fields of marketing and market research and consulting services, public and media relations services and sales promotion services on computer discs and CD-ROMs

Basis: 1(a)

First Use Date: 2000-03-00

First Use in Commerce Date: 2000-03-00

ADDITIONAL INFORMATION

Disclaimer: "PUBLIC RELATIONS"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-09-11 - First renewal 10 year

2010-09-11 - Section 8 (10-year) accepted/ Section 9 granted

2010-09-07 - TEAS Section 8 & 9 Received

2007-04-28 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-03-05 - Section 8 (6-year) and Section 15 Filed

2007-03-05 - TEAS Section 8 & 15 Received

2006-02-13 - Case File In TIGRS

2000-09-05 - Registered - Principal Register

2000-06-06 - Allowed for Registration - Principal Register (SOU accepted)

2000-06-06 - Assigned To Examiner

2000-05-23 - Statement Of Use Processing Complete

2000-03-24 - Use Amendment Filed

CPR002682

1999-10-05 - NOA Mailed - SOU Required From Applicant

1999-07-13 - Published for opposition

1999-06-11 - Notice of publication

1999-03-23 - Approved For Pub - Principal Register

1999-03-03 - Communication received from applicant

1998-12-07 - Non-final action mailed

1998-11-30 - Assigned To Examiner

1998-11-17 - Assigned To Examiner

1998-07-24 - Communication received from applicant

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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CLAYTON HOWARTH & CANNON PC

PO BOX 1909

SANDY UT 84091

Phone Number: 801-255-5335

Fax Number: 801-255-5338

CPR002683

EXHIBIT 10

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,713,692

United States Patent and Trademark Office

Registered May 6, 2003

**TRADEMARK
PRINCIPAL REGISTER**

CONNECTPR

CONNECT PUBLIC RELATIONS, INC. (UTAH
CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

FOR: PRINTED PUBLICATIONS, NAMELY, REPORTS, PRESS KITS AND BROCHURES IN THE FIELDS OF MARKET RESEARCH AND CONSULTING, PUBLIC AND MEDIA RELATIONS, SALES PROMOTION, STRATEGIC MARKETING PLANNING, DEVELOPMENT OF MARKET POSITIONING AND MESSAGING, BACKGROUND EDITORIAL SUPPORT OF SALES PROMOTION MATERIAL, AND SEMINAR CREATION AND OP-

ERATION, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 9-0-2002; IN COMMERCE 9-0-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUBLIC RELATIONS", APART FROM THE MARK AS SHOWN.

SN 75-456,497, FILED 3-25-1998.

INGA ERVIN, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-09-13 13:10:35 ET

Serial Number: 75456497 Assignment Information Trademark Document Retrieval

Registration Number: 2713692

Mark (words only): CONNECTPR

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2009-06-12

Filing Date: 1998-03-25

Transformed into a National Application: No

Registration Date: 2003-05-06

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2009-06-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CONNECT PUBLIC RELATIONS, INC.

Address:

CONNECT PUBLIC RELATIONS, INC.

80 EAST 100 NORTH

PROVO, UT 84606

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Utah

GOODS AND/OR SERVICES

CPR002674

International Class: 016

Class Status: Active

Printed publications, namely, brochures in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion material, and seminar creation and operation

Basis: 1(a)

First Use Date: 2002-09-00

First Use in Commerce Date: 2002-09-00

ADDITIONAL INFORMATION

Disclaimer: "PUBLIC RELATIONS"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-06-12 - Section 8 (6-year) accepted & Section 15 acknowledged

2009-05-06 - TEAS Section 8 & 15 Received

2008-05-20 - Case File In TICRS

2003-05-06 - Registered - Principal Register

2003-01-31 - Allowed for Registration - Principal Register (SOU accepted)

2003-01-30 - Assigned To Examiner

2003-01-23 - Statement Of Use Processing Complete

2002-09-28 - Use Amendment Filed

2002-10-08 - PAPER RECEIVED

2002-03-28 - Extension 5 granted

2002-03-28 - Extension 5 filed

2001-10-15 - Extension 4 granted

2001-09-18 - Extension 4 filed

CPR002675

2001-04-30 - Extension 3 granted
2001-03-27 - Extension 3 filed
2000-12-13 - Extension 2 granted
2000-09-19 - Extension 2 filed
2000-05-15 - Extension 1 granted
2000-03-24 - Extension 1 filed
1999-09-28 - NOA Mailed - SOU Required From Applicant
1999-07-06 - Published for opposition
1999-06-04 - Notice of publication
1999-03-23 - Approved For Pub - Principal Register
1999-03-03 - Communication received from applicant
1998-08-27 - Non-final action mailed
1998-08-18 - Assigned To Examiner
1998-08-18 - Assigned To Examiner

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PO BOX 1909
SANDY UT 84091
Phone Number: 801-255-5335
Fax Number: 801-255-5338

CPR002676

EXHIBIT 11

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 3,330,353

United States Patent and Trademark Office

Registered Nov. 6, 2007

**TRADEMARK
PRINCIPAL REGISTER**

CONNECTPR

CONNECT PUBLIC RELATIONS, INC. (UTAH
CORPORATION)
80 EAST 100 NORTH
PROVO, UT 84606

MOTION MATERIALS, AND SEMINAR CREATION
AND OPERATION, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23,
29, 37, 38 AND 50).

FIRST USE 1-0-2006; IN COMMERCE 1-0-2006.

FOR: PRINTED PUBLICATIONS, NAMELY, RE-
PORTS, BROCHURES AND PRESS KITS COM-
PRISED OF BROCHURES, FLYERS, AND PRESS
RELEASES, IN THE FIELDS OF MARKET RE-
SEARCH AND CONSULTING, PUBLIC AND MED-
IA RELATIONS, SALES PROMOTION, STRATEGIC
MARKETING PLANNING, DEVELOPMENT OF
MARKET POSITIONING AND MESSAGING, BACK-
GROUND EDITORIAL SUPPORT OF SALES PRO-

OWNER OF U.S. REG. NOS. 2,365,074, 2,366,850,
AND 2,383,777.

SN 78-169,520, FILED 9-30-2002.

CAROLINE WOOD, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-09-13 13:12:18 ET

Serial Number: 78169520 Assignment Information Trademark Document Retrieval

Registration Number: 3330353

Mark (words only): CONNECTPR

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2007-11-06

Filing Date: 2002-09-30

Transformed into a National Application: No

Registration Date: 2007-11-06

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-10-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Connect Public Relations, Inc.

Address:

Connect Public Relations, Inc.
80 East 100 North
Provo, UT 84606
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Utah

Phone Number: (801) 373-7888

Fax Number: (801) 373-8680

CPR002677

GOODS AND/OR SERVICES

International Class: 016

Class Status: Active

Printed publications, namely, reports, brochures and press kits comprised of brochures, flyers, and press releases, in the fields of market research and consulting, public and media relations, sales promotion, strategic marketing planning, development of market positioning and messaging, background editorial support of sales promotion materials, and seminar creation and operation

Basis: 1(a)

First Use Date: 2006-01-00

First Use in Commerce Date: 2006-01-00

ADDITIONAL INFORMATION

Prior Registration Number(s):

2365074

2366850

2383777

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-11-06 - Registered - Principal Register

2007-10-02 - Law Office Registration Review Completed

2007-10-02 - Assigned To LIE

2007-08-31 - Allowed for Registration - Principal Register (SOU accepted)

2007-08-16 - Statement Of Use Processing Complete

2007-05-04 - Use Amendment Filed

2007-05-04 - TEAS Statement of Use Received

2006-11-04 - Extension 5 granted

2006-11-04 - Extension 5 filed

2006-11-06 - TEAS Extension Received

CPR002678

2006-05-16 - Extension 4 granted
2006-05-04 - Extension 4 filed
2006-05-04 - TEAS Extension Received
2006-04-06 - Extension 3 granted
2005-11-04 - Extension 3 filed
2005-11-04 - TEAS Extension Received
2005-05-23 - Extension 2 granted
2005-05-04 - Extension 2 filed
2005-05-04 - TEAS Extension Received
2004-11-16 - Extension 1 granted
2004-11-04 - Extension 1 filed
2004-11-04 - TEAS Extension Received
2004-05-04 - NOA Mailed - SOU Required From Applicant
2004-02-10 - Published for opposition
2004-01-21 - Notice of publication
2003-12-04 - Approved For Pub - Principal Register
2003-10-01 - Communication received from applicant
2003-10-06 - Communication received from applicant
2003-11-05 - Case File In TICRS
2003-10-06 - PAPER RECEIVED
2003-04-01 - Non-final action e-mailed
2003-03-21 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

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CPR002679

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CPR002680

EXHIBIT 12

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-10-07 14:11:37 ET

Serial Number: 77714693 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

CONNECT

(words only): CONNECT

Standard Character claim: Yes

Current Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Date of Status: 2010-08-31

Filing Date: 2009-04-15

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 107

Attorney Assigned:
VANSTON KATHLEEN MARY

Current Location: 650 -Publication And Issue Section

Date In Location: 2010-01-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Digitalmojo, Inc.

Address:

Digitalmojo, Inc.
8344 Clairemont Mesa Blvd., Suite 100
San Diego, CA 92111
United States
Legal Entity Type: Corporation
State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

audio recordings featuring music; video recordings featuring music; downloadable audio and video recordings featuring music; prerecorded music on CD, DVD and other media

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 035

Class Status: Active

Business marketing services in the nature of agency representation of companies marketing a variety of services to home owners and renters, namely, utility hook-ups, telecommunication services, home security services, home warranties, home and yard maintenance, furniture and appliance rental; comparative marketing and advertising services for providers of residential and business telecommunications services, namely, for providers of broadband cable, DSL, fiber-optic and satellite Internet access services, cable and satellite television, voice over IP, and long-distance telephone services; operation of telephone call centers for others; marketing of high speed telephone, Internet, and wireless access, and directing consumers to access providers; providing an online directory information service featuring information regarding, and in the nature of, classifieds; advertising and information distribution services, namely, providing classified advertising space via the global computer network; promoting the goods and services of others over the Internet; providing online computer databases and on-line searchable databases featuring classified listings and want ads; online business networking services; providing telephone directory information via global communications networks; providing an online interactive website obtaining users comments concerning business organizations, service providers, and other resources; providing information, namely, compilations, rankings, ratings, reviews, referrals and recommendations relating to business organizations, service providers, and other resources using a global computer network; providing telephone directory information via global communications networks; arranging for others the initiation and termination of telecommunication services and utility services in the nature of water, gas and electricity and consultation rendered in connection therewith

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 038

Class Status: Active

providing online chat rooms for registered users for transmission of messages concerning classifieds, virtual community and social networking; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; providing email and instant messaging services

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 042

Class Status: Active

computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; computer software development; application service provider (ASP) featuring software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information over the Internet or other communications network; providing temporary use of non-downloadable software applications for classifieds, virtual community, social networking, photo sharing, video sharing, and transmission of photographic images; computer services, namely, hosting online web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions; computer services in the nature of customized web pages featuring user-defined information, personal profiles and information

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 045

Class Status: Active

on-line social networking services; internet based dating, introduction and social networking services

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-08-31 - Opposition instituted for Proceeding

2010-06-29 - Opposition instituted for Proceeding

2010-04-01 - Extension Of Time To Oppose Received

2010-03-02 - Notice Of Publication E-Mailed

2010-03-02 - Published for opposition

Latest Status Info

2010-01-25 - Law Office Publication Review Completed
2010-01-21 - Approved For Pub - Principal Register
2010-01-21 - Examiner's Amendment Entered
2010-01-21 - Notification Of Examiners Amendment E-Mailed
2010-01-21 - EXAMINERS AMENDMENT E-MAILED
2010-01-21 - Examiners Amendment -Written
2010-01-21 - Assigned To Examiner
2010-01-21 - Previous Allowance Count Withdrawn
2010-01-11 - Withdrawn From Pub - Og Review Query
2009-12-28 - Law Office Publication Review Completed
2009-12-28 - Assigned To LIE
2009-12-08 - Approved For Pub - Principal Register
2009-12-04 - Teas/Email Correspondence Entered
2009-12-03 - Communication received from applicant
2009-12-03 - TEAS Response to Office Action Received
2009-07-08 - Notification Of Non-Final Action E-Mailed
2009-07-08 - Non-final action e-mailed
2009-07-08 - Non-Final Action Written
2009-06-30 - Assigned To Examiner
2009-04-20 - New Application Office Supplied Data Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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SAUSALITO, CA 94966-1989

Latest Status Info

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Fax Number: 415-339-8555

EXHIBIT 13

RANDOM HOUSE WEBSTER'S UNABRIDGED DICTIONARY

Second Edition



RANDOM HOUSE
NEW YORK

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International Phonetic Alphabet courtesy of International Phonetic Association

Library of Congress Cataloging-in-Publication Data is available.

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New York Toronto London Sydney Auckland

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Visit the Random House Reference Web site at www.randomwords.com

Typeset and printed in the United States of America.

9 8 7 6 5 4 3 2

ISBN: 0-375-42566-7 (Hardcover/book only)

ISBN: 0-375-42573-X (Hardcover/book and CD-ROM package)

dynam. See **Boyle's law**. [1895-1900; named after Edme Mariotte (d. 1684), French physicist]

mar-ipo-sa lily (mar'ə pō'sə, -zə), any lily of the genus *Calochortus*, of the western U.S. and Mexico, having tuliplike flowers of various colors. Also called **mar-ipo-sa**, **maripo-sa**, **tu-lip**. [1880-85, Amer.; < Sp *mariposa* butterfly, moth; so named because blooms were likened to butterflies]

Mar-is (mar'is), n. **Roger (Eugene)**, 1934-85, U.S. baseball player.

mar-ish (mar'ish), Archaic. —n. 1. a marsh. —adj. 2. marshy. [1300-50; ME *mareis* < MF; see **MARAIS**]

Mar-i-sat (mar'ə sat'), n. one of a series of geostationary communications satellites that relay telecommunications between ships at sea and shore stations. (*mar-i-time*) **sat(ellite)**

Mar-i-sol (mar'ī sol'), n. (*Marisol Escobar*) born 1930, Venezuelan artist, in U.S. since 1950.

Mar-ist (mar'ist, mar'-), n. **Rom. Cath.** Ch. a member of a religious order founded in Lyons, France, in 1816 for missionary and educational work in the name of the Virgin Mary. [1875-80; < F *Mariste*. See **MARY**, -IST]

Mar-i-tain (ma rē tan'), n. **Jacques (zhāk)**, 1882-1973, French philosopher and diplomat.

mar-ital (mar'ī tl), 1. of or pertaining to marriage; conjugal; matrimonial: *marital vows*; *marital discord*. 2. Archaic. of or pertaining to a husband. [1595-1605; < L *marītalis* of married people, deriv. of *maritus* of marriage. See **MARRY**, -AL'] —**mar-ital-ly**, adv.

mar-ital ther-apy, a psychotherapeutic treatment for married couples, who are seen by a therapist both individually and jointly to assist them in resolving various problems related to their marriage.

mar-i-time (mar'ī tim'), adj. 1. connected with the sea in relation to navigation, shipping, etc. 2. of or pertaining to the sea: *maritime resources*. 3. bordering on the sea: *maritime provinces*. 4. living near or in the sea: *maritime plants*. 5. characteristic of a sailor; nautical: *maritime clothing*. [1540-50; < L *maritimus* pertaining to the sea, equiv. to *mar-* (s. of *mare* sea) + *-timus* adj. suffix]

Mar'itime Alps, a range of the Alps in SE France and NW Italy.

mar'itime belt, *Law*, the part of the sea that is within the jurisdiction of the bordering states.

mar'itime law, the body of law relating to maritime commerce and navigation, and to maritime matters generally. [1860-65]

Mar'itime Prov'inces, the Canadian provinces of Nova Scotia, New Brunswick, and Prince Edward Island. Also called **Mar'itimes**. —**Mar'itime'r**, n.

Mar-i-tsa (mə rē'tsə), n. a river in S Europe, flowing from S Bulgaria along the boundary between Greece and European Turkey and into the Aegean. 300 mi. (485 km) long.

Mar-i-u-po-l (mar'ē ōō'pəl; Russ. mə rvi ōō'pəl), n. a city in SE Ukraine, on the Sea of Azov. 503,000. Formerly (1948-89), **Zhdanov**.

Mar-i-us (mār'ē əs, mar'-), n. **Galus**, c155-86 B.C., Roman general and consul; opponent of Lucius Cornelius Sulla.

Mar-i-vaux (mā rē vō'), n. **Pierre Carlet de Chamblain** de (pyer kar le' də shān blan' də), 1688-1763, French dramatist and novelist.

mar-jo-laine (mār'jə lān'; Fr. mār zhō len'), n., pl. **-laines** (-lānz'; Fr. -lən'), 2. 1. (*italics*) French. marjoram. 2. a long, narrow cake with straight sides, usually consisting of layers of meringue and chocolate butter-cream and containing chopped nuts. [*< F*, OF *majorene* < ML *majorana*; see **MARJORAM**]

mar-jo-ram (mār'jə rəm), n. any of several aromatic herbs belonging to the genus *Origanum*, of the mint family, esp. *O. majorana* (*sweet marjoram*), having leaves used as seasoning in cooking. Cf. **oregano**. [1350-1400; ME *majorene* < ML *majorana*, var. of *majorca*, alter. of L *amāracus* < Gk *amārakos* marjoram]

Mar-jory (mār'jə rē), n. a female given name, form of **Margaret**. Also, **Mar-jorie**.

mark¹ (märk), n. 1. a visible impression or trace on something, as a line, cut, dent, stain, or bruise: a *small mark* on his arm. 2. a badge, brand, or other visible sign assumed or imposed: a *mark of his noble rank*. 3. a symbol used in writing or printing: a *punctuation mark*. 4. a sign, usually an X or cross, made instead of a signature by someone who does not know how or is unable to write his or her own name. 5. an affixed or impressed device, symbol, inscription, etc., serving to give information, identify, indicate origin or ownership, attest to character or comparative merit, or the like, as a trademark. 6. a sign, token, or indication: to *bow as a mark of respect*. 7. a symbol used in rating conduct, proficiency, attainment, etc., as of pupils in a school: *good marks*; *bad marks*. 8. something serving as an indication of position, as a landmark. 9. a recognized or required standard of quality, accomplishment, etc.; norm: *His dissertation was below the mark*. 10. distinction or importance; repute; note: a *man of mark*. 11. a distinctive trait or characteristic: the *usual marks of a gentleman*. 12. (*usually cap.*) U.S. Mil. a designation for an item of military equipment in production, used in combination with a numeral to indicate the order of adoption, and often abbreviated: a *Mark-4 tank*; an *M-1 rifle*. 13. an object aimed at; target: to *aim at the mark*. 14. an object of desire or striving for; goal. 15. Slang. a. an object of derision, scorn, manipulation, or the like: *He was an easy mark for criticism*. b. the intended victim of a swindler, hustler, or the like: *The cardsharps picked their marks from among the tourists on the cruise ship*. 16. Track, the starting line. 17. Boxing, the middle of the stomach. 18. Lawn Bowling, jack¹ (def. 17). 19. Bowling, a strike or spare. 20. Naut., any of the distinctively marked points on a deep-sea lead line, occurring

at levels of 2, 3, 5, 7, 10, 13, 15, 17, and 20 fathoms above the lead. Cf. **deep** (def. 35). 21. a tract of land that may have been held in common by a primitive or early medieval community of peasants in Germany. 22. Archaic or Hist. a boundary; frontier. 23. *beside the mark*, not pertinent; irrelevant. 24. *bliss or save the mark!* (used as an exclamation of disapproval, contempt, impatience, etc.) Also, *God bless or save the mark!* 25. *make one's mark*, to attain success or fame; achieve one's ambition: *He set out to make his mark as a writer*. 26. *on your mark or mark!* (in calling the start of a race) take your places: *On your mark! Get set! Go!* Also, *get ready, ready!* 27. *wide of the mark*, far from the target or objective; inaccurate or irrelevant: *My first guess was wide of the mark*.

—*v.t.* 28. to be a distinguishing feature of: *a day marked by rain*. 29. to put a mark or marks on: *to mark each box with an X*. 30. to give a grade for; put a grade on: *to mark the final exams*. 31. scent-mark (def. 2). 32. to furnish with figures, signs, tags, etc., to indicate price, quality, brand name, or the like: *We marked all the books with prices*. 33. to trace or form by or as if by marks (often fol. by out): *to mark out a plan of attack*. 34. to indicate or designate by or as if by marks: *to mark passages to be memorized*. 35. to single out; destine (often fol. by out): *to be marked out for promotion*. 36. to record, as a score. 37. to make manifest: *to mark approval with a nod*. 38. to give heed or attention to: *Mark my words!* 39. to notice or observe: *to mark a change in the weather*.

—*v.i.* 40. to take notice; give attention; consider. 41. scent-mark (def. 1). 42. *mark down*, to reduce the price of: *These towels have been marked down*. 43. *mark off*, to mark the proper dimensions or boundaries of; separate: *We marked off the limits of our lot with stakes*. 44. *mark time*. See **time** (def. 45). 45. *mark up*, a. to mark or deface with marks. b. to mark with notations or symbols. c. to fix the selling price of (an article) by adding to the seller's cost an amount to cover expenses and profit: *to mark up dresses 50 percent*. d. to increase the selling price of. [bef. 900; (n.) ME; OE *mearc* mark, sign, banner, dividing line, borderline; G *Mark* borderline, unit of weight, ON *markr* forest (orig., borderline), unit of weight, Goth *marka* boundary, borderline, L *margō* MARGIN; (v.) ME *marken*, OE *mearcian*; c. OFris *merkia*, OHG *markhōn*, ON *marka* to plan] —**Syn.** 10. eminence, consequence. 11. feature, stamp, print. 14. purpose, objective. 34. identify, label, tag. 37, 38. note. 39. eye, regard, spot.

mark² (märk), n. 1. the monetary unit of Germany since 1871; originally a silver coin. Cf. **Deutsche mark**, **ostmark**, **reichsmark**. 2. the markka of Finland. 3. Also, **merk**, a former silver coin of Scotland, equal to 13s. 4d. 4. a former money of account of England, equal to 13s. 4d. 5. a former coin of Estonia, the 1/100th part of a kroon; replaced by the sent after 1927. 6. a former European unit of weight, esp. for gold and silver, generally equal to 8 ounces (249 grams). [bef. 900; ME; OE *marc* unit of weight < ML *marca* < Gmc; see **MARK**']

Mark (märk), n. 1. one of the four Evangelists: traditionally believed to be the author of the second Gospel. 2. the second Gospel: to *read aloud from Mark*. 3. **King, Arthurian Romance**, ruler of Cornwall, husband of Isult and uncle of Sir Tristram. 4. **Saint**, See **Marcus**, **Saint**. 5. a male given name, form of **Marcus**.

Mar-kan (mār'kən), adj. Marcan.

Mark An-to-ny (märk an'tə nē), See **Antony, Mark**.

mark-down (märk'dəun'), n. 1. a reduction in price, usually to encourage buying. 2. the amount by which a price is reduced. [Amer.; n. use of v. phrase *mark down*]

marked (märkt), adj. 1. strikingly noticeable; conspicuous: *with marked success*. 2. watched as an object of suspicion or vengeance: a *marked man*. 3. having a mark or marks: *beautifully marked birds*; to *read the marked pages*. 4. **Ling.** a. (of a phoneme) characterized by the presence of a phonological feature that serves to distinguish it from an otherwise similar phoneme lacking that feature, as (d), which, in contrast to (t), is characterized by the presence of voicing. b. characterized by the presence of a marker indicating the grammatical function of a construction, as the plural in English, which, in contrast to the singular, is typically indicated by the presence of the marker -s. c. specifying an additional element of meaning, in contrast to a semantically related item, as *drake* in contrast to *duck*, where *drake* specifies "male" while *duck* does not necessarily specify sex. d. occurring less typically than an alternative form, as the word order in *Down he fell* in contrast to the more usual order of *He fell down*. Cf. **unmarked** (def. 2). [ME; OE *gemarkod*; see **MARK**, -ED'] —**mark-ed-ly** (mär'kid lē), adv. —**mark-ed-ness**, n. —**Syn.** 1. striking, outstanding, obvious, prominent.

mark-er (mär'kar), n. 1. a person or thing that marks. 2. something used as a mark or indication, as a bookmark or tombstone. 3. a person who records the scores, points, etc., as in a game or contest. 4. a counter used in card playing. 5. **Genetics**. See **genetic marker**. 6. **Psychol.** an object, as a book or topcoat left at a library table, used to establish territorial possession in a public place. 7. **Ling.** a. an element of a construction, as a coordinating conjunction, that is not a part of either immediate constituent. b. an element that indicates the grammatical class or function of a construction. 8. a small radio beacon, automatically operated, used for local navigation of vessels. 9. mile-marker. 10. Also called **mark'er pen**, **marking pen**, a pen designed for making bold, colorful, or indelible marks, as in making signs. 11. **Slang**. a. a debt, esp. a gambling debt. b. a written or signed promise to pay a debt, esp. a gambling debt; a promissory note or IOU. 12. Also called **mark'er crude**, **Com.** a grade of oil on which prices of other crude oils are based. 13. **CB Radio Slang**, one's location while driving on a highway, as determined by the nearest milepost. [1480-90; MARK¹ + -ER']

mark'er gene, **Genetics**. See **genetic marker**.

mar-ket (mär'kit), n. 1. an open place or a covered

building where buyers and sellers convene for the sale of goods; a marketplace: a *farmers' market*. 2. a store for the sale of food: a *meat market*. 3. a meeting of people for selling and buying. 4. the assemblage of people at such a meeting. 5. trade or traffic, esp. as regards a particular commodity: *the market in cotton*. 6. a body of persons carrying on extensive transactions in a specified commodity: *the cotton market*. 7. the field of trade or business: *the best shoes in the market*. 8. demand for a commodity: *an unprecedented market for leather*. 9. a body of existing or potential buyers for specific goods or services: *the health-food market*. 10. a region in which goods and services are bought, sold, or used: *the foreign market*; *the New England market*. 11. current price or value: *a rising market for shoes*. 12. See **stock market**. 13. *at the market*, at the prevailing price in the open market. 14. *in the market for*, ready to buy; interested in buying: *I'm in the market for a new car*. 15. *on the market*, for sale; available: *Fresh asparagus will be on the market this week*. —*v.i.* 16. to buy or sell in a market; deal. 17. to buy food and provisions for the home. —*v.t.* 18. to carry or send to market for disposal: *to market produce every week*. 19. to dispose of in a market; sell. [1100-1150; ME, late OE < VL **marcātus*, L *mercātus* trading, traffic, market] —**mar-ket-er**, n. —**Syn.** 19. vend, merchandise, peddle.

mar-ket-a-ble (mär'ki tə bəl), adj. 1. readily salable. 2. of or pertaining to selling or buying: *marketable values*; *marketable areas*. [1590-1600; MARKET + -ABLE] —**mar-ket-a-bil-i-ty**, **mar-ket-a-ble-ness**, n. —**mar-ket-a-bly**, adv.

mar-ket-a-ble ti-tle, *Law*, a title to real property that is free from encumbrances, litigation, and other defects and that can readily be sold or mortgaged to a reasonable buyer or mortgagee. Also called **good title**, **merchantable title**, **sound title**.

mar-ket anal-ysis, *Com.* the process of determining factors, conditions, and characteristics of a market. —**mar-ket an-aly-st**.

mar-ket boat, 1. a boat that transfers fish from a fishing fleet to a market on shore. 2. a boat for carrying produce to market. 3. a boat assigned or used to bring provisions to a ship. [1770-80, Amer.]

mar-ket crab, See **dungeness crab**.

mar-ket-eer (mär'ki tēr'), n. a person who sells goods or services in or to a market. [1825-35; MARKET + -EER]

mar-ket gar-den, 1. a garden or farm for growing vegetables to be shipped esp. to local or nearby markets. Cf. **truck farm**. 2. *Brit.* See **truck farm**. 3. (*caps.*) *Mil.* the Allied code name for the unsuccessful invasion of Holland by British and American airborne and infantry forces on September 17, 1944. [1805-15] —**mar-ket gar-dener**, **mar-ket gar-den-ing**.

mar-ket-ing (mär'ki tīng), n. 1. the act of buying or selling in a market. 2. the total of activities involved in the transfer of goods from the producer or seller to the consumer or buyer, including advertising, shipping, storing, and selling. [1555-65; MARKET + -ING']

mar-ket let-ter, a publication containing information concerning market conditions, expectations, etc., esp. one produced by a securities brokerage firm or other financial organization.

mar-ket or-der, *Stock Exchange*, an order to buy or sell a specified amount of a security at the best price available. Cf. **limit order**, **stop order**. [1915-20]

mar-ket-place (mär'kit plās'), n. 1. an open area in a town where a market is held. 2. the commercial world; the realm of business, trade, and economics. 3. any sphere considered as a place where ideas, thoughts, artistic creations, etc., compete for recognition. Also, **mar-ket place**. [1350-1400; ME; see **MARKET**, **PLACE**]

mar-ket price, the price at which a commodity, security, or service is selling in the open market. Also called **market value**. [1400-50; late ME]

mar-ket re-search, the gathering and studying of data relating to consumer preferences, purchasing power, etc., esp. prior to introducing a product on the market. [1925-30]

mar-ket-re-search (mär'kit rē'surch, -rē'surch'), *v.t.* to conduct market research on. [1965-70]

mar-ket share, *Econ.* the specific percentage of total industry sales of a particular product achieved by a single company in a given period of time.

mar-ket town, a town where a regularly scheduled market is held. [1400-50; late ME]

mar-ket val-ue, 1. the value of a business, property, etc., in terms of what it can be sold for on the open market; current value (distinguished from *book value*). 2. See **market price**. [1685-95]

Mar-ke-vich (mär kə'vich; Russ. mār kye'vyich), n. **Igor** (ē'gər), 1912-83, Russian conductor and composer.

Mark-ham (mär'kəm), n. 1. (**Charles**) **Edwin**, 1852-1940, U.S. poet. 2. **Mount**, a mountain in Antarctica, SW of the Ross Sea. 15,100 ft. (4600 m). 3. a town in SE Ontario, in S Canada, near Toronto. 77,037. 4. a city in NE Illinois, near Chicago. 15,172.

mar-khoor (mär'kōor), n., pl. **-khoors**, (*esp. collectively*) **-khor**, a wild goat, *Capra falconeri*, of mountainous regions from Afghanistan to India, having compressed, spiral horns and long, shaggy hair; all populations are threatened or endangered. Also, **markhor**. [1865-70;]

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CONCISE PRONUNCIATION KEY: act. cāpe, dāre, pārt; sel, ēqual; if, ice; ox, buer, ōder, oil, bōok, bōot, out; up, ūrge; child; sing; shoe; thin; that; th; treasure; a = a as in alone, e as in system, i as in easily, o as in gallop, u as in circus; u as in fire (fī'r), hour (hō'r). l and n can serve as syllabic consonants, as in *cradle* (krād'l), and *button* (but'n). See the full key inside the front cover.